

# Planning and Development Committee Agenda

**Date:** Thursday, 20 July, 2017  
**Time:** 9:00 am  
**Location:** Council Chamber  
Forum North, Rust Avenue  
Whangarei  
**Attendees:** Cr Greg Innes (Chairperson)  
Her Worship the Mayor Sheryl Mai  
Cr Stu Bell  
Cr Crichton Christie  
Cr Vince Cocurullo  
Cr Tricia Cutforth  
Cr Shelley Deeming  
Cr Sue Glen  
Cr Jayne Golightly  
Cr Phil Halse  
Cr Cherry Hermon  
Cr Greg Martin  
Cr Sharon Morgan  
Cr Anna Murphy

For any queries regarding this meeting please contact  
the Whangarei District Council on (09) 430-4200.

<b>1. Declarations of Interest</b>	
<b>2. Apologies</b>	
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<b>7. Closure of Meeting</b>	

## Planning and Development Committee – Terms of Reference

### Membership

**Chairperson:** Councillor G C Innes

**Members:** Her Worship the Mayor Sheryl Mai  
Councillors Stu Bell, Crichton Christie, Vince Cocurullo, Tricia Cutforth, Shelley Deeming, Sue Glen, Jayne Golightly, Phil Halse, Cherry Hermon, Greg Martin, Sharon Morgan, Anna Murphy

**Meetings:** Monthly

**Quorum:** 7

### Purpose

To oversee planning, monitoring and enforcement activities, and guide the economic and physical development and growth of Whangarei District.

### Key responsibilities include:

- Regulatory / Compliance
  - Environmental health
  - General bylaw administration
  - Animal (dog and stock control)
  - Hazardous Substances and New Organisms Control
  - Parking Enforcement (vehicles registrations and warrant of fitness)
  - Noise Control
  - Food Act
  - Landuse Consents
  - Building Act
- Building Control
  - Property Information and Land Information Memoranda
  - Consents and inspections
- Resource Consents
  - Subdivision, Land Use and Development Control
  - Development Contributions
- District Plan
  - Plan Changes
  - District Plan administration

- Strategic Planning
  - Futures planning
  - Urban design
- Economic Development
  - District Marketing/Promotions
  - Developer engagement
- Commercial Property
- Shared Services – investigate opportunities for Shared Services for recommendation to council.

## **Delegations**

- (i) All powers necessary to perform the committee's responsibilities, including, but not limited to:
  - (a) approval of expenditure of less than \$5 million plus GST.
  - (b) approval of a submission to an external body
  - (c) establishment of working parties or steering groups.
  - (d) power to establish subcommittees and to delegate their powers to that subcommittee.
  - (e) the power to adopt the Special Consultative Procedure provided for in Section 83 to 88 of the LGA in respect of matters under its jurisdiction (this allows for setting of fees and bylaw making processes up to but not including adoption).
  - (f) the power to delegate any of its powers to any joint committee established for any relevant purpose under clause 32, Schedule 7 of the Local Government Act 2002

## 1. Minutes: Planning and Development Committee Thursday 15 June 2017

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*Minutes of a meeting of the Planning and Development Committee of the Whangarei District Council held in the Council Chamber, Forum North on Thursday 15 June 2017 at 9.00am*

**Present:**

Cr Greg Innes (Chairperson)

Crs Crichton Christie, Shelley Deeming, Sue Glen, Jayne Golightly, Cherry Hermon, Phil Halse, Greg Martin, Sharon Morgan and Anna Murphy

**Apologies:**

Her Worship the Mayor and Crs Stu Bell, Vince Cocurullo, Tricia Cutforth (absent)  
Cr Greg Martin (early departure)

**Moved: Cr Innes**

**Seconded: Cr Martin**

"That the apologies be sustained."

**CARRIED**

**In Attendance:**

General Manager Planning and Development (Alison Geddes), General Manager Infrastructure (Simon Weston), General Manager Strategy and Democracy (Jill McPherson), Governance Manager (Jason Marris), Building Compliance Manager (Paul Cook), Policy and Monitoring Manager (Paul Waanders), Senior Strategic Planner (Tony Horton), Policy and Bylaws Analyst (Shireen Munday), Principle Planner (Murray McDonald), Property Manager (Mike Hibbert), Regulatory Manager (Grant Couchman), Team Leader District Plan (Melissa McGrath) and Senior Meeting Co ordinator (C Brindle)

### 1. Confirmation of minutes of a Meeting of the Infrastructure Committee held on held on 18 May 2017

**Moved: Cr Morgan**

**Seconded: Cr Golightly**

"That the minutes of the Planning and Development Committee meeting held on Thursday 18 May 2017, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting."

**CARRIED**

### 2. 2017 Bylaw Review – Pre-consultation

**Moved: Cr Deeming**

**Seconded: Cr Hermon**

"That the Planning and Development Committee:

- a) approves the bylaw review consultation programme and draft consultation document.

- b) authorises the Chair of the Planning and Development Committee together with the Chief Executive to approve the final content and format of the consultation document.”

**CARRIED**

### **3. New Road Names – Resource Consents**

**Moved: Cr Martin**  
**Seconded: Cr Christie**

“That the Planning and Development Committee approves the road names as follows:

- 1 That the extension of Bush Haven Drive be named Bush Haven Drive.
- 2 That the extension of Wainui Avenue be named Wainui Avenue.”

**CARRIED**

### **4. New Road Name – Resource Consents**

**Moved: Cr Martin**  
**Seconded: Cr Deeming**

“That the Planning and Development Committee approves the road names as follows:

Access A: That the new private road off Bush Haven Drive be named Okari Lane.

Access B: That the new private road off Wainui Ave and Bush Haven Drive be named

Kaituna

Access C: That the new private road off Wainui Ave be named Maru Lane.”

**CARRIED**

### **5. Contracts Approved Under Delegated Authority**

**Moved: Cr Morgan**  
**Seconded: Cr Deeming**

“That the Planning and Development Committee note the contracts awarded under delegated authority in May 2017 for the District Plan Rolling Review.”

**CARRIED**

### **6. Planning and Development Operational Report**

**Moved: Cr Halse**  
**Seconded: Cr Hermon**

“That the Planning and Development Committee note the Planning and Development operational report.”

**CARRIED**

**The meeting closed at 9.37am**

Confirmed this 20<sup>th</sup> day of July 2017

Greg Innes (Chairperson)





## PC135 GNLC Private Plan Change Application

**Meeting:** Planning and Development Committee  
**Date of meeting:** 20 July 2017  
**Reporting officer:** Melissa McGrath (Manager, District Plan)

### 1 Purpose

To seek a Council decision to adopt the report and recommendation of the Hearing Commissioner relating to a private plan change application (PC135 GNLC - Great Northern Land Company) and to authorise notification of the plan change decision.

### 2 Recommendation/s

That the Planning and Development Committee

- a) Adopts the report and recommendations of the Hearing Commissioner dated 25 June 2017 on proposed Plan Change 135 (PC135) GNLC, in accordance with Clause 10 of Part 1 of Schedule 1 of the Resource Management Act 1991; and
- b) Resolves to publicly notify Council's decision on PC135 in accordance with Clauses 10 and 11 of Part 1 of Schedule 1 of the Resource Management Act 1991.

### 3 Background

The private plan change application (PC135) was lodged on 4 November 2016 by Terra Nova Planning Limited on behalf of GNLC. PC135 as notified requests three changes to the District Plan, summarised as follows:

- a) To amend the Marsden Primary Centre Chapter of the District Plan by renaming two zones.
  - 'Residential Compatible Industry Policy Area' is to be renamed as 'Mixed Use 1 Policy Area'.
  - 'Light Industry Policy Area' is to be renamed as 'Mixed Use 2 Policy Area'.

This is a change of nomenclature only. It does not affect any underlying rules in the Chapter.

- b) To amend the Marsden Primary Centre Chapter of the District Plan by amending Rule IE2.5(1)(ii) to streamline the areas affected by the different noise limits, by referencing only the Noise Zone 1 and Noise Zone 2 areas as shown in an amended Precinct 2 Plan, and removing all other descriptions from the Rule.

c) Provisions in the Noise and Vibration Chapter are to be amended as follows:

- ‘NAV.6.1 Noise Arising from Activities within Environments’ is to be amended to provide for separate noise limits for Marsden Primary Centre Noise Zone 2. These proposed noise limits will be less than the current limits (i.e. ‘quieter’).
- As a consequential effect, reference to Marsden Primary Centre Noise Zone 2 under NAV.6.5 will be deleted. This is on the basis that, with the proposed reduced noise limits in Noise Zone 2, compliance with the sound insulation requirements for residential units under this rule is not required.

Council passed a resolution to accept the application on the 15th December 2016 in accordance with Clauses 23 and 25 in Part 2 of the First Schedule of the Act.

Proposed PC135 was notified on the 20 December 2016 in accordance with Clauses 26 and 29 in Part 2 of the First Schedule. The submission period closing at 4pm on 8th February 2017. Seven submissions were received.

A Summary of Submissions was notified on the 22nd February 2017, with the submission period closing at 4pm on 13th March 2017. Four further submissions were received.

Subsequent to the close of further submissions the applicant undertook dialogue with submitters and made suggestions as to amended provisions to address various concerns raised.

A hearing was held on 31 May 2017.

## 4 Discussion

### Hearing Commissioner Recommendations

The Hearing Commissioner, Alan Withy was delegated the responsibility by the Whangarei District Council (WDC) to hear and make recommendations on PC135 pursuant to Section 34A of the RMA.

Aspects of PC135 which attracted submissions:

- General support
- Avoidance of potential effects on adjoining properties
- Reverse sensitivity effects on the State Highway, Northport and the Oil Refinery.

In his report, the Hearing Commissioner has addressed the submissions using topic headings set out in the s42A report. The recommendation of the Hearing Commissioner in response to all submissions received and heard is attached (as **Attachment 1**.) This includes a track change version of the Noise and Vibration provisions and the Marsden Primary Centre (Environment) provisions.

The Commissioner has recommended that Council accept the changes recommended by the applicant and supported by Council’s planner, based on the s42A report and matters reconsidered in light of evidence presented by submitters and the applicant at the hearing and detailed in the applicant’s right-of-reply.

The Independent Hearing Commissioner recommends:

“Accordingly, the Commissioner recommends that the Council adopt PC 135 with the amendments discussed above for all of the reasons given in this report, and that:

- A. Proposed Plan Change 135 to the Operative Whangarei District Plan is approved subject to the amendments described above and contained in the Decisions Version of the plan change document in s9 of this report.
- B. The submissions and further submissions be accepted, accepted in part, or rejected according to the reasons set out in this report, and that:
  - *Submissions PC135-01 and PC135-02 seeking the Plan Change be approved in its entirety be rejected;*
  - *Submissions PC135-03, PC135-04, PC135-05, PC135-06 seeking the Plan Change be declined in part (as it relates to NAV.6.5) be accepted;*
  - *Submissions PC135-07 seeking the Plan Change be declined in its entirety be rejected. “*

## **Options Available to Council**

Council is required to make a decision on PC135, based on the following two options:

1. Adopting the Hearing Commissioner recommendation as Council's decision, or
2. Rejecting the Hearing Commissioner recommendation and re-hear the whole application at Council's cost.

If the Council adopts the Hearing Commissioners recommendation, the Council decision on PC135 is required to be notified in accordance with the RMA. An appeal period of 30 working days then applies.

## **5 Significance and engagement**

Council's Significance and Engagement Policy has been considered in relation to this Agenda item.

The decisions or matters of this Agenda item do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

## **6 Attachments**

- 1 Recommendations of the Hearing Panel dated 25 June 2017



## **Proposed Private Plan Change 135 to the Whangarei District Plan**

### **Proponent - GNLC Limited - seeking:**

- Renaming of 2 zones in the Marsden Primary Centre
- Amending Rule IE2.5(1)(ii) (noise controls in the Marsden Primary Centre)
- Amending Rules NAV.6.1 and NAV.6.5 (noise and vibration)

### **Recommendations of the Hearing Panel to:**

- Implement PC 135
- Rename 2 zones in the Marsden Primary Centre
- Amend Rule IE2.5(1)(ii)
- Amend Rules NAV.6.1 and NAV.6.5

Date 25 June 2017

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**Attachment 1 – Marsden Primary Centre Amended Content (text and plans) for Inclusion in the District Plan**

**Attachment 2 – Noise and Vibration Amended Content for Inclusion in the District Plan**

## Glossary

**Act and RMA** mean the Resource Management Act 1991.

**Council and WDC** mean the Whangarei District Council.

**DP and District Plan** mean the operative District Plan for the Whangarei District.

**GNLC** means the Great Northern Land Company Ltd, the proponent of Plan Change 135.

**NAV** means noise and vibration and refers to a chapter in the District Plan.

**PC and Plan Change** mean Proposed Plan Change 135.

**RMA** means the Resource Management Act 1991.

**RO and Reporting Officer** mean the officer appointed by Council to report to the Commissioner in terms of Section 42A of the Act.

**RPS** means the Northland Regional Policy Statement.

**WDC** means the Whangarei District Council.

## 1. Summary of the Recommendations

The **Commissioner recommends** that:

1. Proposed Plan Change 135 (PC135) to the District Plan be **APPROVED** subject to the amendments as described below and contained in the amended version of the Plan Change document. (Attachments 1 and 2 to this report contain tracked change versions to enable the recommended amendments to be identified); and
2. The submissions be accepted, accepted in part, or rejected according to the reasons set out in this report (see sections 6 and 7).

The **changes, in summary**, recommended to the District Plan are as follows:

- a. Marsden Primary Centre Chapter - two zones renamed:
  - i. *Residential Compatible Industry Policy Area* to *Mixed Use 1 Policy Area*.
  - ii. *Light Industry Policy Area* to *Mixed Use 2 Policy Area*.
- b. Amend Rule IE2.5(1)(ii) (noise controls in the Marsden Primary Centre)
- c. Amend Rules NAV.6.1 and NAV.6.5 (noise and vibration)

## 2. Delegation

The Commissioner Alan Withy, was delegated the responsibility by the Whangarei District Council to hear and make recommendations on PC135 pursuant to section 34A of the Resource Management Act 1991 ("RMA").

## 3. Process Matters Relevant to PC135

Notification period for submissions	20 December to 8 February 2017
Notification period for Further Submissions	22 February to 13 March 2017
Hearing date	31 May 2017
Parts of the District Plan affected by PC 135	Marsden Primary Centre Environment and Noise and Vibration (NAV) Chapters

At the hearing, GNLC as the proponent of the plan change, was represented by Mr K Littlejohn who called evidence from Mr S Hartley (Planning Consultant) and Mr P Ibbotson (Acoustic Consultant). Mr P Gray (director of GNLC) also attended and answered questions.

Seven submitters made written submissions and ten further submissions were received from four parties. Only two submitters actually attended and made oral submissions at the hearing: namely Northport Limited (Mr G Blomfield) and the New Zealand Refining Company (Mr R Elliot).

Written statements were tabled from Ms S Ho (NZ Transport Agency) and Ms M Hicks, neither of whom attended the hearing. Five other persons attended the hearing but did not participate. All submissions have been considered, whether they attended the hearing or not. No submissions were formally withdrawn.

Mr A Hartstone of Set Consulting was the s42A reporting officer, and he was accompanied by Ms McGrath, District Plan Team Leader, Ms L McColl, Support Assistant, and Ms A Miller, Support Assistant. A report by Mr J Styles, Acoustic Consultant was tabled and he was available by teleconference if required. In the event that proved unnecessary.

The hearing was held at the Marsden Yacht and Boat Club at One Tree Point, on Wednesday 31 May 2017.

## 4. Description of the Plan Change

The reporting planner, Mr A Hartstone, in his section 42A report, provided the background to, and a description of the plan change as follows.<sup>1</sup>

6. *PC135 as notified requests three changes to the District Plan, summarised as follows:*
  - a) *To amend the Marsden Primary Centre Chapter of the District Plan by renaming two zones. The zone currently identified as 'Residential Compatible Industry Policy Area' is to be renamed as 'Mixed Use 1 Policy Area'. The zone currently identified as 'Light Industry Policy Area' is to be renamed as 'Mixed Use 2 Policy Area'. This is a change of nomenclature only. It does not affect any underlying rules in the Chapter.*
  - b) *To amend the Marsden Primary Centre Chapter of the District Plan by amending Rule IE2.5(1)(ii) to streamline the areas affected by the different noise limits, by referencing only the Noise Zone 1 and Noise Zone 2 areas as shown in an amended Precinct 2 Plan, and removing all other descriptions from the Rule.*
  - c) *Provisions in the Noise and Vibration ('NAV') Chapter are to be amended as follows:*
    - i. *'NAV.6.1 Noise Arising from Activities within Environments' is to be amended to provide for separate noise limits for Marsden Primary Centre Noise Zone 2. These proposed noise limits will be less than the current limits (ie. 'quieter').*
    - ii. *As a consequential effect, reference to Marsden Primary Centre Noise Zone 2 under NAV.6.5 will be deleted. This is on the basis that, with the proposed reduced noise limits in Noise Zone 2, compliance with the sound insulation requirements for residential units under this rule is not required.*
7. *By way of explanation, the application projects that the mixed-use development to be undertaken within Noise Zone 2 will be dominated by residential activities. On that basis, a reduction in the noise limits across the zone is considered preferable. The reduction proposed is mooted as being effective in maintaining residential amenity without unduly limiting establishment of appropriate commercial activities, noting the intention of the Marsden Primary Centre Environment to allow for mixed use development while avoiding reverse sensitivity effects.*
8. *In reducing the noise limits, sound insulation within residential units to be located in Noise Zone 2 is no longer required.*
9. *The application is supported by a technical report prepared by Marshall Day Acoustics. That report details the suggested changes and assesses the implications as it relates to likely effects and building construction.*
10. *The changes proposed under a) and b) above are not linked in any way, other than being contained in the same District Plan Chapter. No changes are proposed to the existing objectives or policies contained in either the Marsden Primary Centre or Noise and Vibration Chapters of the District Plan.*
11. *Documentation contained in the application makes reference to a retirement village complex. A land use consent has been granted (WDC reference LU1600156 dated 27th January 2017) for a 75 unit retirement village with communal facilities located generally within the land bounded by Pokapu Road, Waiwarawara Drive, and Orua Road.*
12. *Subsequent to the close of further submissions, the applicant has provided modified versions of the proposed provisions with a revised Section 32 assessment. The latest version of the modified provisions was provided to the Council on the 26<sup>th</sup> April 2017, with an updated Precinct Plan provided on the 1<sup>st</sup> May 2017. These provisions are contained in Attachment 2. For the purposes of this report, the proposed provisions contained in the application as notified are referred to as*

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<sup>1</sup> Hartstone, ss6-17, pp7-9



*the 'proposed provisions'. The latest version of the proposed provisions provided by the applicant is referred to as the 'modified provisions'.*

*The Site and Context:*

13. *The land subject to this application is defined on the Precinct Plan provided in support of the Plan Change which encompasses the area identified as the Marsden Primary Centre Environment. This area has been subject to historic resource consent applications for subdivision which have resulted in the current cadastral layout. Subsequent to the granting of subdivision consents, the property owners in conjunction with the Council undertook an extensive structure planning exercise which resulted in the Marsden Point-Ruakaka Structure Plan 2008 being adopted by the Council in November 2009. While a non-statutory document, the Structure Plan formed the basis for the introduction of the Marsden Primary Centre Environment ... (Known as Plan Change 83 – Northgate: Port Marsden Industrial Area lodged by North Holdings Limited) ... which was a private plan change approved by the Council on the 11 April 2012 and declared operative from the 24 April 2012.*
14. *Subsequent to the introduction of this operative Chapter, Council instigated a plan change process to review all noise and vibration provisions contained in the District Plan. As a result, Plan Change 110 resulted in a new chapter of the District Plan referred to as NAV being approved on the 11<sup>th</sup> May 2016 and declared operative on the 24<sup>th</sup> May 2016. This Chapter now contains all noise and vibration provisions across all chapters, including those that had been previously contained in the Marsden Primary Centre Environment.*
15. *Physically, the topography of the area in question contains flat grassed sections, with all roading and servicing infrastructure in place to service future development. Built development within the Marsden Primary Centre area at the time of preparing this report is limited to several residential buildings adjoining Casey Road in the northern portion of the site, and scattered commercial buildings and activities adjoining Pokapu and Waiwarawara Drive.*
16. *The western and southern boundaries of the development are bounded by One Tree Point Road and State Highway 15A respectively. The northern boundary is subject to a designation for the Oakleigh to Marsden rail corridor where Kiwirail Holdings Limited is the current designating authority. No physical works have commenced for establishment of the rail corridor. All land immediately surrounding the area is currently either farmed or used for rural lifestyle purposes.*
17. *In a wider context, the eastern boundary of the area is approximately 750 metres at its closest point from Marsden Point Road and associated existing heavy industrial activities, and 1.5 kilometres from the nearest residential development in Ruakaka. The Marsden Cove residential development is approximately 2 kilometres to the north of the area, being the closest existing residential development at One Tree Point. Approximately 2.6 kilometres to the northeast, Marsden Bay Drive forms the current boundary between existing rural and industrial activities associated with the Port and Marsden Point Refinery. ...*

The Commissioner accepts the above as an accurate description of the private plan change proposal and the process followed.

## **5. Statutory Considerations**

Mr Hartstone addressed statutory considerations as follows: <sup>2</sup>

18. *There are a range of statutory provisions under the RMA that are of relevance to the consideration of requests for private plan changes. These include the provisions applicable to both public and*

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<sup>2</sup> Ibid, ss18-24, pp9-10

*private plan changes as well as specific provisions in the First Schedule of the RMA for private plan changes.*

19. *Section 32 of the RMA establishes the process for evaluating the appropriateness of the Plan Change in achieving the purpose of the RMA. Section 32(1) states that an evaluation must:*
  - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
    - (i) *identifying other reasonably practicable options for achieving the objectives; and*
    - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - (iii) *summarising the reasons for deciding on the provisions; and*
  - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
20. *An assessment under Sub-Section 32(1)(b)(ii) must—*
  - (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
    - (i) *economic growth that are anticipated to be provided or reduced; and*
    - (ii) *employment that are anticipated to be provided or reduced; and*
  - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
  - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
21. *The Environment Court decisions of Eldamos Investments Limited v Gisborne District Council (W047/2005) and Long Bay-Okura Great Park Society and ARC and Landco Limited v North Shore City Council (A78/2008) set out directives for evaluating objectives, policies, rules, and other methods in district plans. The principle findings of these decisions are relevant in general to an assessment of the proposal.*
22. *I consider that the Section 32 Analysis prepared by Terra Nova Planning Limited, read in conjunction with the Marshall Day report (contained in Attachment 1), adequately addresses the key components of Section 32 of the RMA as follows:*
  - a) *The purpose of the Section 32 analysis, or problem to be addressed, is the extent that the current provisions of the Marsden Primary Centre Environment and NAV Chapters limit the establishment of residential activities within the Marsden Primary Centre Environment. The objective of the analysis is defined as ‘to ensure opportunities for, and the viability of, residential development within the (currently named) Light Industry and Residential-Compatible Policy Areas, without requiring significant additional acoustic treatment.’*
  - b) *Technical background information has been provided by way of the Marshall Day report that informs the Section 32 analysis, analyses the extent of positive and negative effects associated with the changes, and sets the scope of the scale and significance of the proposal.*
  - c) *The analysis assesses four reasonably practical policy options ranging from ‘Status Quo (Do nothing)’ to ‘Awaiting amendments as part of the current rolling review urban package,’*

*assesses the costs and benefits of each option, including implications on economic growth anticipated from the proposed changes, and selects a preferred option.*

- d) *The scale of the analysis and resulting Section 32 report is commensurate with the scale of the proposal, noting that it is confined to a relatively small geographical area and discreet provisions in the District Plan.*
- 23. *It should be noted that where changes are made to the proposal as a result of consideration of submissions and through the hearing process, further evaluation under Section 32 is required. The extent of further analysis is largely dependent on the significance of the changes. This is relevant given that modified provisions have been developed by the applicant in response to submissions and further submissions.*
- 24. *None of the submissions received raise specific concerns about the validity or scope of the Section 32 analysis provided with the application.*

The Commissioner accepts the above description of statutory provisions applying to this private plan change proposal.

A question of scope and jurisdiction was raised and Mr K Littlejohn (counsel for GNLC, the proponent) drew the Commissioner's attention to the following paragraph in the *Albany North Landowners v Auckland Council* judgement: <sup>3</sup>

*"A particular concern ... in deciding whether to recommend rezoning ... has been the reasonableness of that to persons who were not active submitters and who might have become active had they appreciated that such was a possible consequence. Where the matter could reasonably have been foreseen as a direct or otherwise logical consequence of a submission point the Panel has found that to be within scope."*

The Commissioner accepts that principle applies in the present situation, and considers that the various recommended amendments to the District Plan will not offend that principle. No person appears to have been disadvantaged by the way the proposal has been processed, nor by the recommendations contained in this report to Council regarding PC 135.

## 6. Submissions and Evidence at the Hearing

Mr Littlejohn, presented opening submissions on behalf of the proponent of PC 135, GLNC, in which he described the motivation for the private plan change request as to better enable development of a 'comprehensive retirement village' for which a resource consent has been granted. <sup>4</sup> He also said the change would *"tidy up" the relevant NAV rules so that they will achieve an environment where the retirement village can function with minimal effects from its neighbours within the MPC.* <sup>5</sup> He indicated GLNC agreed with most of the reporting planners recommendations and some of the submitters' suggestions. He said PC 135 will *"... enable more of the MPC (Marsden Primary Centre) to be used for sensitive activities ... by reducing the areas available for noisier activities... and ... modifying the planning framework to accommodate the demand for living opportunities ... and ... enabling the sustainable management of this resort."* <sup>6</sup>

He referred to a process of consultation in preparing the proposals before the hearing, and called evidence from Mr P Ibbotson (noise) and Mr S Hartley (planning).

Mr P Ibbotson indicated he had provided input to PC 110, that set up the NAV noise and vibration regime in the District Plan. He reviewed the 'old' rules, the new ones (from PC 110's implementation in 2016), the PC 135 noise proposals, and also noise from both an 'effects' and 'reverse sensitivity' point of view. He then analysed the submitters concerns from a noise perspective, commented on the s42A Report, and concluded:

<sup>3</sup> CIV-2016-404-2336 [2016] NZHC 138, para [97]

<sup>4</sup> Littlejohn, s1, p1

<sup>5</sup> Ibid, s2, p1

<sup>6</sup> Ibid, s20, p4

*"overall the proposed change will improve the level of amenity in the area for residential living activities while restricting or suppressing certain industrial or commercial activities."* <sup>7</sup> Regarding 'reverse sensitivity' he concluded that *"Operational reverse sensitivity is ... unlikely to arise as noise from adjacent Business 4 or Marsden Point Port Zoned industrial land is already constrained by sensitive activities occurring closer to them than the Marsden Primary Centre Noise Zone 2 land, such that noise received at Noise Zone 2 will be well within reasonable limits to avoid disturbance."* <sup>8</sup>

Mr Ibbotson also described a long telephone discussion he had with Mr Styles the previous evening. Mr Styles had reviewed Mr Ibbotson's recommendations at Mr Hartstone's request. After reading the Styles written brief of evidence tabled at the hearing, he commented that he and Mr Styles were agreed on all but some very minor matters. Mr Hartstone subsequently confirmed that he was comfortable with the level of agreement reached between Messrs Ibbotson and Styles, and believed the developed amendments to noise rules which he was recommending incorporated the requirements of both noise experts.

Mr S Hartley gave an overview of the PC 135 proposals, addressed the submitters' concerns, and responded to the s42A Report's requests for more information on several identified matters. He described discussions with various affected parties, and the amendments to the proposals as presented to the hearing that arose from those discussions. He concluded by supporting the proposals *"with amendments and additions as sought in the Modified Version"* <sup>9</sup> and said *"the plan change ... (as modified) ... best reflect the original intent of the Primary Centre, current and perceived market demand, and appropriately protect the important transport State Highway ... and rail corridors, and existing and future industrial activities in the wider area."* <sup>10</sup>

Mr G Blomfield representing Northport Ltd as Technical Services Manager, summarised his company's concerns, and said: *"while the company has some concerns about reverse sensitivity effects associated with noise emanating from Northport itself, they are primarily concerned about reverse sensitivity effects associated with noise generated from existing and future truck movements on SH15."* <sup>11</sup> He indicated Northport would *"not oppose the plan change subject to the following modifications"*: <sup>12</sup> (a) extension of the buffer area; and (b) noise sensitive activities being subject to approval by Northport and others (modifications summarised).

Mr R Elliot, representing the NZ Refining Company as Environmental Affairs Manager, summarised his company's position as similar to that of Northport, and sought essentially the same relief as Northport. <sup>13</sup>

Mr Elliot and Mr Blomfield both gave evidence of the importance of their companies' operations to Northland. It was established that the Regional Policy Statement directs that reverse sensitivity issues be recognised and appropriately dealt with by the district council; that is in relation to regionally important activities and infrastructure including the port.

Ms S Ho, Senior Planning Advisor, NZ Transport Agency did not attend, but her tabled brief of evidence described the Agency's concerns. It concluded by stating that *"... the Agency supports the remodified provisions by GNLC."* <sup>14</sup>

Ms M Hicks, a Ruakaka resident, did not attend but her tabled statement in support of her original submission said *"... my concerns one way or another have now been addressed."* and *"... the proposed redevelopment ... does not appear to be in conflict with the existing Ruakaka community."* <sup>15</sup>

The reporting planner, Mr A Hartstone had pre-circulated a s42A report, and he attended the hearing. He addressed the submitters concerns, statutory considerations, likely effects and concluded:

*In response to submissions and further submission, the applicant has provided a modified proposal.*

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<sup>7</sup> Ibbotson, s9.2, p14

<sup>8</sup> Ibid, s9.5, p15

<sup>9</sup> Hartley, s38, p6

<sup>10</sup> Ibid, s38, pp6-7

<sup>11</sup> Blomfield, s6, p2

<sup>12</sup> Ibid, s22, pp7-8

<sup>13</sup> Elliot, s6.1, p4

<sup>14</sup> Ho, s8.2, p4

<sup>15</sup> Hicks, handwritten letter, p1

*I consider that the modified proposal adequately addresses potential reverse sensitivity issues associated with the State Highway ... and rail corridor designation matters raised in submissions.*<sup>16</sup>

He also said in his pre-circulated report:

*Subject to the provision of information addressing the matters of scope and technical information addressing the reverse sensitivity issues, I consider the Plan Change request incorporating the modified proposal (contained in Attachment 2) is an appropriate response to the submissions received. I provide the following preliminary recommendation:*

- a) *That GNLC Limited provides the following information in their evidence to assist the Hearing Commissioner consideration of the Plan Change request:*
  - *A technical report prepared by a suitably qualified acoustic engineer that specifically in response to concerns about any reverse sensitivity effect created by the proposal, associated with the existing or potential noise generating activities located on the sites owned by Refining NZ, Northport Limited, Marsden Maritime Holdings Limited. This shall be included in the pre-circulated expert evidence.*
  - *An assessment of any scope issue that may arise where the inclusion of Noise Zone 2A (as per the modified proposal) may affect persons who own or occupy land, other than GNLC Limited, within Noise Zone 2A who did not make a submission based on the notified version of the plan change.*
- b) *Subject to further information being provided in evidence or information presented at the hearing that may alter my opinion, my preliminary recommendation having considered all the information supplied by the Requester, all submissions received, and having undertaken an analysis of the provisions, is that:*
  - *Pursuant to Clause 29(4) of Part 2 to the First Schedule of the RMA, proposed Private Plan Change 135 lodged by GNLC Limited to the operative Whangarei District Plan be approved with modifications. Those modifications are contained in Attachment 2 of this report;*
  - *That submissions PC135-01 and PC135-02 seeking the Plan Change be approved in its entirety be rejected;*
  - *That submissions PC135-03, PC135-04, PC135-05, PC135-06 seeking the Plan Change be declined in part (as it relates to NAV.6.5) be accepted;*
  - *That submissions PC135-07 seeking the Plan Change be declined in its entirety be rejected.*
  - *Subject to further information being provided in evidence or information presented at the hearing that may alter my opinion, the decisions on the further submissions be accepted, accepted in part, or rejected based on the decisions made on the submissions.*

He also tabled a written statement of evidence from Mr J Styles (Acoustic Consultant), which concluded: *"Overall, I generally agree with the analysis of the noise-related issues ... set out in the evidence and reports prepared by Mr Ibbotson ..."*<sup>17</sup> His written brief went on to describe those residual concerns and how they might be addressed. Mr Hartstone indicated orally that those concerns had been resolved to his (Mr Hartstone's) satisfaction by teleconference.

Mr Littlejohn in reply, provided a document confirming exactly what GNLC was seeking and that had been agreed with Mr Hartstone.<sup>18</sup> He indicated that: Kiwirail had agreed to the modified PC 135 proposals<sup>19</sup>; and

<sup>16</sup> Hartstone, s59, p15

<sup>17</sup> Styles, ss7.1-7.3, pp4-5

<sup>18</sup> Littlejohn Reply, s7, p2

<sup>19</sup> Ibid, s3, p2

that GNLC was content with an advice note on the plan indicating activities in Noise Zone 1 will have to comply with more stringent noise requirements closer to the boundary with Noise Zone 2.<sup>20</sup> He also submitted that the evidence had established that reverse sensitivity issues were adequately provided for in PC 135 as modified and proposed.<sup>21</sup>

## 7. Consideration of Submissions

### 7.1 Recommendations on Submissions

The RMA does not require a Council to make individual decisions on each and every submission or relief sought. This is set out in Schedule 1 – Preparation, Change, and Review of policy statements and plans. Clause 10 states:<sup>22</sup>

*Decisions on provisions and matters raised in submissions*

- (1) *A local authority must give a decision on the provisions and matters raised in submissions, whether or not a hearing is held on the proposed policy statement or plan concerned.*
- (2) *The decision—*
  - (a) *must include the reasons for accepting or rejecting the submissions and, for that purpose, may address the submissions by grouping them according to—*
    - (i) *the provisions of the proposed statement or plan to which they relate; or*
    - (ii) *the matters to which they relate; and*
  - (b) *may include—*
    - (i) *matters relating to any consequential alterations necessary to the proposed statement or plan arising from the submissions; and*
    - (ii) *any other matter relevant to the proposed statement or plan arising from the submissions.*
- (3) *To avoid doubt, the local authority is not required to give a decision that addresses each submission individually.*

The Commissioner has addressed the submissions and further submissions below.

#### 7.1.1 New Zealand Transport Agency

**Submitter's Request:** That the proposed changes ... be declined.

**Discussion:** The evidence of Ms Ho tabled at the hearing resiled from the relief sought, and indicated acceptance of the "remodified" proposals.

**Finding:** That the 'relief' sought be granted in part.

#### 7.1.2 Northport

##### Submitter's Requests:

- a) Extension of the 100 metre buffer areas - to an extent determined by a suitably qualified acoustic engineer.
- b) Require the establishment of noise sensitive activities to seek the written approval of Northport and others.

<sup>20</sup> Ibid, s8, p2

<sup>21</sup> Ibid, ss11-15, 3-4

<sup>22</sup> RMA, Schedule 1, Clause 10

**Discussion:** The acoustic evidence heard at the hearing did not support the first 'relief' sought, extension of the buffer area, and implementation of the second 'relief' would introduce unreasonable and unjustified procedures. Furthermore Mr Blomfield conceded at the hearing that his company was not entirely opposed to the proposals.

**Finding:** That both the 'relief' items be rejected.

#### 7.1.3 NZ Refining Company

**Submitter's Requests:** That PC 135 be not implemented.

**Discussion:** The acoustic evidence heard at the hearing did not support 'relief' sought. Furthermore Mr Elliot conceded at the hearing that his company was not entirely opposed to the proposals.

**Finding:** That the 'relief' items be rejected.

#### 7.1.4 Marsden Maritime Holdings Limited

**Submitter's Request:** Decline the request to implement PC 135.

**Discussion:** The evidence at the hearing supported implementation of the change in a modified form and subject to detailed amendments.

**Finding:** That the 'relief' sought be rejected.

#### 7.1.5 Y Daji

**Submitter's Request:** Implement PC 135.

**Discussion:** Implementation of PC 135 is recommended subject to amendments.

**Finding:** That the 'relief' sought be granted in part.

#### 7.1.6 AI Limited

**Submitter's Request:** Implement PC 135.

**Discussion:** Implementation of PC 135 is recommended subject to amendments.

**Finding:** That the 'relief' sought be granted in part.

#### 7.1.7 M Hicks

**Submitter's Request:** Reject PC 135, which was modified in further submissions and a letter tabled at the hearing.

**Discussion:** Ms Hicks has serious reservations about the zoning provisions for this area in the District Plan. However in her letter tabled at the hearing, she said the "... *proposed re-development ... is greatly improved and does not appear to be in conflict with the existing Ruakaka community.*" <sup>23</sup>

**Finding:** That the 'relief' sought be granted in part.

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<sup>23</sup> Hicks, letter dated 7 May 2017, p1

### 7.1.8 Kiwirail Holdings Limited

**Submitter's Request:** That various submissions be allowed, declined or allowed in part.

**Discussion:** Implementation of PC 135 is recommended subject to amendments, some of which will implement Kiwirail's requests. It changed its position to support for the modified PC 135 during the hearing.

**Finding:** That the 'relief' sought be granted in part.

### 7.1.9 M Kēpa

**Submitter's Request:** Implement PC 135.

**Discussion:** Implementation is recommended for various reasons. The modified proposal should satisfy this submitter.

**Finding:** That the 'relief' sought be granted in part.

## 7.2 Overall Assessment of Effects of the Proposal

The s42A RO assessed the effects of PC135 as follows. <sup>24</sup>

25. *The scope of any assessment of effects associated with the Plan Change is limited to issues of noise, noting that the proposed changes to nomenclature do not create any effects.*
26. *The assessment of effects is informed largely by the contents of the Marshall Day report provided with the application as notified. Section 7.0 of that report concludes that the proposed change will '....result in positive effects on future residential land use due to a general improvement in the level of amenity that can be expected at all times.' It further states that '....the reduced daytime noise limits may potentially affect commercial activity by restricting or suppressing the type of commercial activities that could establish.'*
27. *The report focuses on noise effects within the Marsden Primary Centre Environment and highlights potential positive and negative effects resulting from what I consider to be a change in 'bias' from a predominance of industrial and commercial activities, to mixed use and predominantly residential activities. It is noted that this proposed change in bias has not drawn any submissions in opposition from landowners within the Marsden Primary Centre Environment.*
28. *However, submissions received from Northport Limited, Marsden Maritime Holdings Limited ('MMHL'), Refining NZ, and New Zealand Transport Agency ('NZTA') have all sought, as the single point of relief, that the proposed change to NAV.6.5 be declined. Further submissions lodged by Refining NZ and Kiwirail Holdings Limited, and a submission and further submissions from Margaret Hicks, support this position. This assessment of effects therefore focuses on reverse sensitivity effects associated with noise.*
29. *The existing NAV.6.5 was introduced as part of the Council-initiated Plan Change 110 to review all the noise and vibration provisions in the District Plan, and to collate them into one chapter of the Plan. Specifically, NAV.6.5 introduced sound insulation requirements for noise sensitive activities <sup>25</sup> established within a Business 1, 2, 3, Town Basin, Port Nikau Noise Zone 1 or 2, or Marsden Primary Centre Noise Zone 1 or 2 Environments. A description of the background to the existing provisions is contained in Section 3.0 of the Marshall Day report.*
30. *Submitters have raised the concern that removing internal noise design levels for any noise sensitive activities established in Noise Zone 2 may have a reverse sensitivity effect. That effect*

<sup>24</sup> Hartstone, ss25-39, pp11-13

<sup>25</sup> Defined in the District Plan as 'those activities that involve habitation of people within which concentration (of thoughts) is required and includes residential units, residential institutions, marae, hospitals, health care facilities and education facilities, excluding Airport staff and aviation training facilities or aero clubs (other than airport staff training facilities).'



is identified through the submissions as encompassing noise effects arising from the operation of the refinery, State Highway 15A, construction and operation of rail services via the Oakleigh to Marsden Rail Corridor designation ('rail corridor'), the port, and potential future activities on existing land zoned for commercial and industrial use owned by MMHL.

31. *It is noted that Section 6.0 of the Marshall Day report touches on this matter but provides no detailed assessment of any reverse sensitivity effects as raised in submissions. No technical information has been provided by either the applicant or any of the submitters as to the potential extent of reverse sensitivity effects as claimed in the submissions. To date, the council has not sought independent advice on this matter.*
32. *The applicant has responded to the matters raised in submissions by providing the modified proposal to address reverse sensitivity effects associated with the operation of State Highway 15A and the rail corridor (see Attachment 2). That alternative splits Noise Zone 2 into Noise Zone 2 and Noise Zone 2A. Noise Zone 2A is intended to provide a 100 metre wide 'buffer' between the State Highway 15A and rail corridor boundaries. Properties within Noise Zone 2A will retain the current operative Plan provisions as they relate to sound insulation requirements, but will be subject to the proposed reduced internal noise limit rules.*
33. *At the time of preparing this report, it is understood that the applicant has circulated the modified proposal to Kiwirail and NZTA. Kiwirail have advised via e-mail dated 12th April 2017 that they '...approve of the latest proposed rules that you have supplied.' No advice has been received from NZTA as to their position on the modified proposal. However, NZTA's submission does state that it '...seeks to ensure a minimum 100m buffer setback from the edge of the state highway as outlined in the Guide to Management of Effects on Noise Sensitive Land use near the State Highway Network 2015.' This buffer setback appears to be achieved by the inclusion of Noise Zone 2A where it adjoins State Highway 15A.*
34. *I consider the inclusion of Noise Zone 2A is an appropriate response to the concerns of Kiwirail and NZTA. However, the applicant is invited to address this further at the hearing. In doing so, the applicant should address any possibility that the inclusion of Noise Zone 2A may affect persons who own or occupy land, other than GNLC Limited, within Noise Zone 2A who did not make a submission based on the notified version of the plan change. The notified version did not contain Noise Zone 2A, and those owners / occupiers therefore may have expected the proposed provisions for Noise Zone 2 to apply. Assuming that this question of scope can be adequately addressed, I support the modified proposal.*
35. *Refining NZ, Northport Limited, and Marsden Maritime Holdings ('MMHL') have all highlighted concerns regarding potential reverse sensitivity effects associated with existing or potential noise generating activities on their respective sites. The relief sought in these submissions is that the proposed changes to NAV.6.5 be declined. Section 16 of the RMA does place an onus on noise generating activities to ensure that any off-site noise effects do not exceed a reasonable level. However, as a matter of good planning practice, it is not appropriate to locate proposed residential development in close proximity to existing or potential noise generating activities.*
36. *As noted in the submission from Northport Limited, the operative Northland Regional Policy Statement ('RPS') includes specific policies emphasising the importance of regionally significant infrastructure. 'Regionally significant infrastructure' is defined in the RPS, and specifically includes the Marsden Point oil refinery and truck loading facility, Northport (including the adjoining land used for the movement and storage of cargo), state highways, and railway lines and associated railway facilities. MMHL owns a substantial portion of largely undeveloped Business 4 zoned land between the Northport facility and Marsden Primary Centre Environment.*
37. *By virtue of the hierarchy of planning documents established and defined in Section 75 of the RMA, the District Plan must give effect to the RPS. Policy 5.1.3 of the RPS as referenced in the Northport Limited submission reads (in full):*

*'Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:*

- (a) Primary production activities in primary production zones (including within the coastal marine area);*
  - (b) Commercial and industrial activities in commercial and industrial zones;*
  - (c) The operation, maintenance or upgrading of existing or planned regionally significant infrastructure; and*
  - (d) The use and development of regionally significant mineral resources.'*
38. *Notably, the policy emphasises reverse sensitivity associated with new residential development. This plan change, coupled with the granting of consent for a retirement village within the site, signals a potential change in land use biased towards residential development (although still recognising the 'mixed use' intent of the provisions). I therefore consider that the concerns raised in the submissions from Refining NZ, Northport Limited, and MMHL are valid. The onus is on the applicant to address these potential effects by way of technical evidence to confirm that any reverse sensitivity effects arising from the plan change may be avoided.*
39. *In recommending that technical evidence be provided to address reverse sensitivity concerns, I note that during the assessment and reporting on Plan Change 110, the provisions of the then-proposed RPS were specifically considered. The Section 42A report for Plan Change 110 records that Policy 5.1.3 referenced above was beyond challenge at that time, and therefore would be suitably addressed by way of what are now the operative provisions contained in the NAV Chapter of the Plan.*

The acoustic evidence of Mr Ibbotson and Mr Styles supported the conclusions reached by Mr Hartstone, which are accepted by the Commissioner. The modified and amended proposals reached at the end of the hearing are considered consistent with the advice of Mr Hartstone and the other experts.

## 8. Conclusion

Mr Hartstone said in his s42A Report:

*Subject to further information being provided in evidence or information presented at the hearing that may alter my opinion, my preliminary recommendation having considered all the information supplied by the Requester, all submissions received, and having undertaken an analysis of the provisions, is that: ... the proposed Private Plan Change ... be approved with modifications.*<sup>26</sup>

At the hearing, and after hearing the submissions and evidence for the proponent and submitters, he said orally that he was satisfied that:<sup>27</sup>

- a) The further explanations given by the proponent in relation to his identified outstanding issues in the s42A Report were adequate.*
- b) The Regional Policy Statement was not contravened, and he relied primarily upon the fact it had not made a submission.*
- c) The proposed buffer would provide adequate protection to the railway and state highway.*
- d) Reverse sensitivity issues are adequately addressed in the modified change wording.*
- e) The suggested requirement to obtain consent from the port entities was inappropriate.*
- f) The restructuring and renaming of the existing zoning was sensible.*

<sup>26</sup> Hartstone, s62, pp16-17

<sup>27</sup> Hartstone, oral evidence

The Commissioner accepts those conclusions. He also accepts Mr Littlejohn's submissions in reply, *that*:

*"... PC135 relates solely to land within the Marsden Primary Centre Environment ... As advised by Mr Ibbotson and Mr Hartley, the noise rules for the MPC were not updated in 2016 by PC110 as the purpose of that plan change was to rationalise and update those rules throughout the district, not to consider the appropriateness of their application on an area by area basis throughout the district. This is the purpose of PC135 in relation to the MPC only. ... the application of bespoke noise provisions to the MPC is appropriate, given the history of the MPC area and the fact that it is a significantly underutilised, yet fully development ready, urban land resource within the Whangarei district, that is anticipated to be better utilised with the amendments proposed by PC135."*<sup>28</sup>

The Reply submissions also covered: the supply of documents requested at the hearing; the provision of wording for the change as agreed during the hearing with the s42A RO; a suggested note for the precinct plan to advise readers of possible constraints on noisy industry; and a response to concerns expressed about s16 of the Act.<sup>29</sup>

### **Wording for the change:**

Attached to this Report are documents giving the wording as agreed between GNLC and the s42A reporting officer, and recommended for adoption for the District Plan by the Commissioner.

### **Note for the precinct plan:**

The Commissioner can see no reason why an "advice note" as discussed at the hearing should not be inserted in relevant plan. It may serve as a useful warning to future would-be establishers of a noisy activity. The wording for the "advice note" is as provided with the Reply.

### **s16 of the Act:**

The Reply argued as follows:<sup>30</sup>

11. *Section 16 imposes a duty on all occupiers of land to adopt the best practicable option to ensure noise emissions from the land do not exceed a reasonable level. There is case law to the effect that compliance with a district noise rule may not necessarily avoid compliance with the obligation in section 16, but it will turn on the character, frequency and effect of the noise in context.*
12. *The obligation is to ensure that any noise does not exceed a reasonable level. Such an evaluation of reasonableness allows for consideration of established land use patterns and of compliance with prescribed noise limits. Given the distance between Marsden Point and the land uses enabled in the MPC, the evidence is that the prospect of noise being unreasonable within Noise Zone 2 is extremely low. If it is unreasonable at the MPC, it will be intolerable at locations closer.*
13. *The section 16 duty is also only relevant if you consider that there is a prospect of adverse reverse sensitivity effects arising from the changes to the noise rules proposed by PC135. However, the evidence for GNLC (Mr Ibbotson), the Council (Mr Styles), and NZTA (Mr Chiles), is that such effects are unlikely because of the proposal to retain acoustic treatment requirements for sensitive activities in Noise Zone 1 and Noise Zone 2A. You have no contrary expert evidence on this point and in my submission, this evidence is to be preferred over the corporate evidence for NZ Refining and Northport, which was not substantiated by any acoustic advice.*

The Commissioner accepts that argument and has framed the recommendations accordingly.

<sup>28</sup> Littlejohn Reply, ss4-6, p2

<sup>29</sup> Ibid, s1, p1

<sup>30</sup> Ibid, ss11-13, p3

Based on the discussions above, and subject to the amendments to the original documents as shown in the attached documents, the Commissioner recommends that the Council adopt this plan change on the basis that:

1. The Commissioner is satisfied the statutory requirements of the Resource Management Act 1991 are satisfied in that:
  - a) The amended provisions will be the most appropriate way of achieving the purposes of the RMA;
  - b) The proposed provisions will be effective in generally achieving the objectives of Plan Change 135 while also satisfying the relevant wider objectives and policies of the District Plan;
  - c) The proposed provisions generally maximise the benefits relative to the costs and are therefore the most efficient means by which the objectives of the Plan will be achieved;
2. The Plan Change can be seen as facilitating the sustainable management of the residential, commercial and industrial resources of the area.
3. It is noted that no matters of national importance arise.
4. It is noted the proposals are consistent with the Regional Policy Statement.
5. PC 135 is generally consistent with other relevant planning instruments.
6. The plan change will have positive effects by facilitating more sustainable development.:
7. The plan change will facilitate the social, economic and cultural wellbeing of the community, in a way that will avoid, remedy or mitigate adverse effects on the environment.

**Accordingly the Commissioner recommends that the Council adopt PC 135 with the amendments discussed above for all of the reasons given in this report, and that:**

- A. **Proposed Plan Change 135 to the Operative Whangarei District Plan is approved subject to the amendments described above and contained in the Decisions Version of the plan change documents attached to this report.**
- B. **The submissions and further submissions be accepted, accepted in part, or rejected according to the reasons set out in this report, and that:**
  - ***Submissions seeking the Plan Change be approved in its entirety be rejected;***
  - ***Submissions seeking the Plan Change be declined in part be accepted;***
  - ***Submissions seeking the Plan Change be declined in its entirety be rejected.***

Dated 25 June 2017

Alan Withy



Independent Hearing Commissioner

# MPC.A

## Marsden Primary Centre

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# MPC.A

## Marsden Primary Centre

### *MPC.A.1 General Description, Objectives and Policies*

#### *MPC.A.1.(I) Description and Expectations*

Whangarei District is experiencing significant population and economic growth which is projected to continue. Marsden Point - Ruakaka is one of the identified growth areas in the District, and is projected to have a significant population and employment increase over the next few decades, with some 40,000 people proposed to reside in the area in the longer term. Significant activities in the area include NorthPort, the Oil Refinery, heavy industrial activities, Marsden Cove Marina and residential and various nodes of residential and limited commercial development. Part of this area is comprised in the 'Marsden Primary Centre' which is intended as a new southern primary suburban centre which will complement Whangarei City itself. The growth options and direction for development of the area were canvassed and determined through an extensive consultative and analytical process undertaken with the Marsden Point-Ruakaka Structure Plan adopted by the Council in 2009.

The Marsden Primary Centre is already extensively provided with infrastructure services - with all roads and in-ground services in place; is in close proximity to established core infrastructure and provides the opportunity to develop a mixed use environment, creating capacity for long-term commercial and residential growth, and with potential to capitalise on growth opportunities for the City, the District and the Region.

The development process to be applied in the Marsden Primary Centre is designed to:

1. Enable the mixed use development of the site;
2. Use urban design principles to lead the design process;
3. Use a tiered approach for development assessment (Master Planning, Precinct Planning and various development and activity overlays);
4. Allow a mix of different urban activities; the use of innovative design and engineering solutions; and a staged approach in recognition of the long development timeframe of the site;
5. Avoid reverse sensitivity effects.

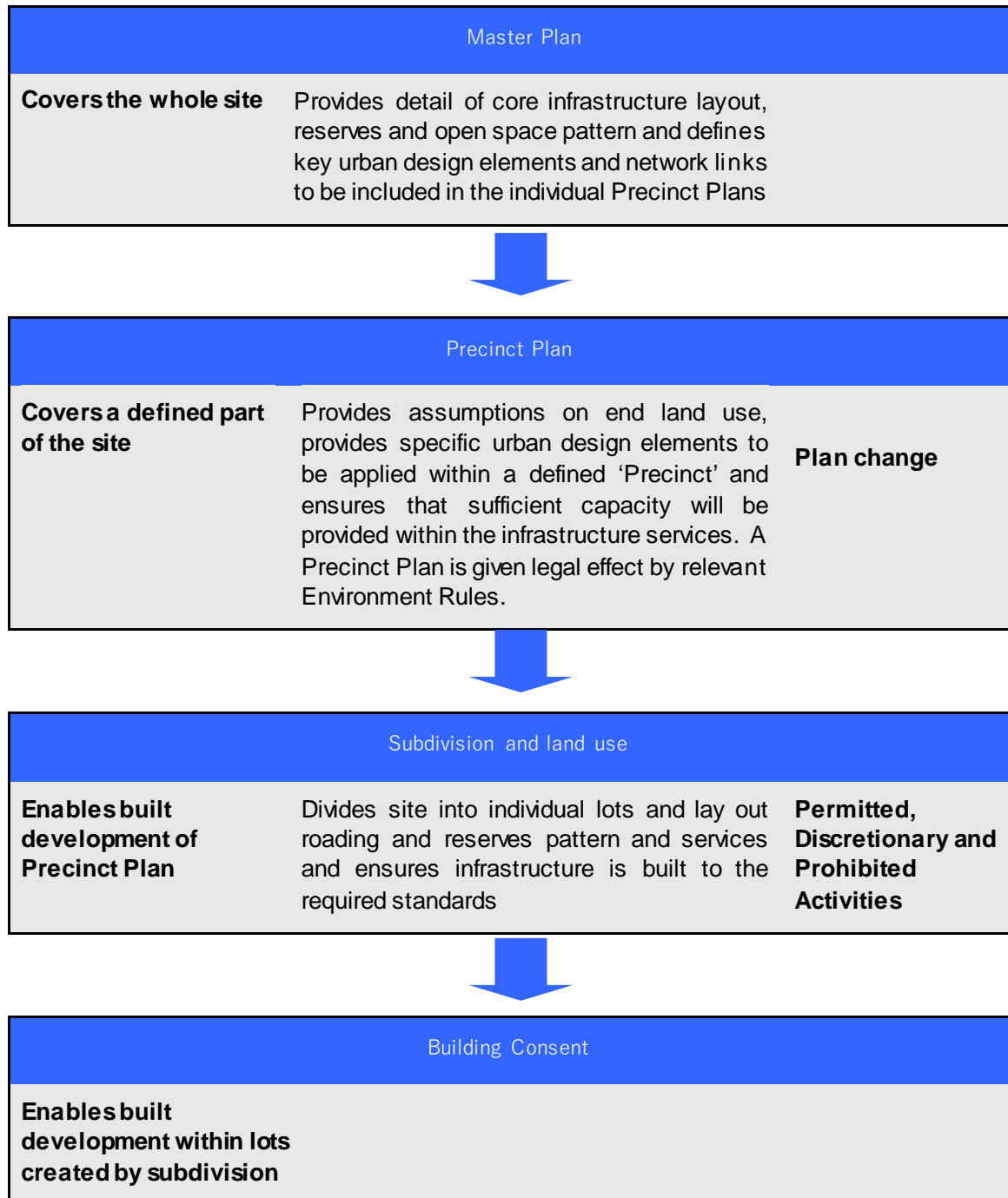
The development process adopted for the Marsden Primary Centre is designed to enable a flexible land use pattern to establish, creating opportunities for economic growth and a greater range and mix of land and economic uses to occur. The implementation of an overall urban design strategy (Master Plan) is the mechanism used to provide a framework and structure for the physical development of the Marsden Primary Centre site. Key components of the Master Plan approach are the setting in place of a land use and transportation network structure, and the definition of local area planning units (ie Precincts, and the application of an overall land use spatial budget that seeks to ensure balanced and sustainable physical growth and development; and the requirement for more detailed precinct planning to ensure adequate and appropriate urban design and layout, public transport, civic and recreational activities, open space, and an appropriate and adequate services and roading infrastructure framework.

# MPC.A

## Marsden Primary Centre

### MPC.A.1.(II) Process for Development

To ensure the integrated development of the Marsden Primary Centre, a sequential 'Master Planning' and 'Precinct Plan' approach has been used as set out in the following diagram:



#### Notes:

1. A subdivision consent may be undertaken before all of the Precinct Plan(s) have been completed and approved to give effect to identified elements of the Master Plan i.e. establishing main roads, subdividing the site into the Precinct blocks etc.
2. Any change to the Master Plan and/or an adopted Precinct Plan will require a plan change to be undertaken.

# MPC.A

## Marsden Primary Centre

### ***MPC.A.1.(III) Master Plan***

The Master Plan:

- Details and establishes the overall urban design framework for the development of the Primary Centre including retail, commercial, industrial, residential, community, education and open space areas and transport linkages;
- Establishes the overall infrastructure framework for the development of the Primary Centre and the infrastructure and servicing requirements of identified and possible land uses;
- Establishes a broad open space network;
- Establishes buffers to insulate development from sensitive activities on sites both within and outside the Primary Centre;
- Defines Precincts by way of a Precincts Plan.

### ***MPC.A.1.(IV) Precinct Plans***

Precinct Plans:

- Apply to a defined Precinct of the Marsden Primary Centre;
- Are consistent with the Master Plan and Precincts Plan;
- Detail the location of specific land uses within a particular Precinct;
- Detail specific urban design standards and bulk and location requirements to be applied within a particular Precinct;
- Where applicable, assess the servicing requirements (both physical and capacity-wise) of land uses and ensure that the infrastructure requirements of a particular Precinct are achievable;
- Specifically detail the provision of open space and access to areas within and between precincts, and other areas outside of the Primary Centre;
- Make provision for specific, defined matters such as reverse sensitivity, etc within the appropriate Precinct;
- Are implemented through appropriate Environment Rules.

### ***MPC.A.1.(V) Subdivision and Built Development***

Except as provided for in 2 below, subdivision and/or built development can only occur once Environment(s) Rules and its/their associated Precinct Plan(s) have been adopted.

### ***MPC.A.1.(VI) Objectives and Policies for the Marsden Primary Centre Environments***

The objectives and policies for the Marsden Primary Centre Environments take precedence over the objectives and policies in the Plan, unless Chapter MPC is silent on any matter in which case the objectives and policies in the Plan apply.

### ***MPC.A.1.(VI).(a) Objectives for the Marsden Primary Centre***

Development of the Marsden Primary Centre in an appropriate manner will;

1. Achieve sustainable and balanced physical development of the Primary Centre in regard to both the wider District and local centre impacts of comprehensive urban development in the Marsden Point location, including the avoidance of excessive commuting, recreational and shopping travel



## MPC.A

# Marsden Primary Centre

through proportional and co-located residential, commercial, employment, educational and recreational activities;

2. Provide increased employment opportunities and commercial and residential capacity in an integrated, balanced and sustainable manner; including a mixed use environment in and around the town centre which promotes accessibility between residential, employment, recreation, community and shopping activities;
3. Enable a range of housing types and styles to be established that will support a growing and increasingly diverse population;
4. Avoid heavy industrial activities and provide activity buffers between industrial and residential / mixed use activities to ensure the co-locational compatibility of different land uses and activities;
5. Provide infrastructure and services that will lead to positive environmental outcomes with scope to enhance the surrounding environment and ensure that the development of the site does not limit future development through poorly planned services and infrastructure and that, where possible, the potential impacts of development are lessened through the use of low impact design systems for infrastructure;
6. Incorporate (over time) new transport and traffic initiatives that result in adequate roading, public transport and other transportation infrastructure being provided to accommodate the expected growth, with a roading hierarchy that is appropriate to the different activities within the area, incorporating pedestrian and cycleways and establishing further connections to adjoining urban nodes such as Marsden Cove and others in the wider Marsden Point – Ruakaka Area; and
7. Create a strong network of public open space, including places to enjoy a range of active and passive recreational activities whilst also enhancing the local ecology;
8. Ensure that the design of the development takes into consideration and where possible mitigates any existing or potential hazards, in particular flooding, geotechnical issues and ground contamination.

## **MPC.A.1.(VI).(b) Policies for the Marsden Primary Centre**

### 1. Sustainable Development

To apply a Masterplan and spatial budget governing the scale and location of residential, retail, non-retail commercial, industry, education, open space and other activities, in parallel with a precinct development approach that both implements the Masterplan and Spatial Budget, and as the basis for the co-ordinated design and layout of major activity areas.

### 2. Integration of Activities

To recognise that the integration of different land use activities to enable a more intensified use of land – which assists in sustainably managing the land use resource – can lead to negative effects and to reduce the potential for such negative effects through the planned location of land uses and the application of performance standards.

### 3. Mixed Use Environments

To recognise changing land-use patterns and residential and business characteristics and requirements, and, as a means of sustainably managing the use of land resources within the District, mixed use development is encouraged in the Marsden Primary Centre so long as the potential negative effects of different land-uses on amenity standards and expectations are effectively managed, and reverse sensitivity effects avoided and amenity values maintained.

### 4. Subdivision Flexibility

To recognise that where the development of land in a mixed use manner will result in varying lot sizes and ownership (which may not necessarily fit comfortably with the standard subdivision rules contained within the District Plan), subdivision rules shall only be used as a starting point in the assessment of subdivision applications. The control of land use activities through density provisions is a very basic means of managing land uses and the suite of rules contained within

# Marsden Primary Centre

the District Plan relating to the management of potential effects of land use activities should be taken into account when assessing the subdivision of mixed-use developments.

## 5. Amenity Values

To ensure that the effects of activities located in mixed use environments do not have adverse effects on other uses within the Environment, or on uses adjacent to, or outside of the Environment, by acknowledging that the incorporation of potentially sensitive uses into a mixed use environment (e.g. residential activities and restaurants/bars) may require that the sensitive uses incorporate measures to mitigate the effects generated by other activities, both within and outside of a mixed use environment.

## 6. Reverse Sensitivity

Particular land uses in close proximity to heavy industrial uses can generate the potential for reverse sensitivity effects to arise and such effects are recognised and should be avoided through appropriate location of more sensitive activities and the application of specific performance standards for both industrial and the more sensitive activities.

## 7. Provision of Infrastructure

The provision of infrastructure must be a key consideration in assessing any Precinct Plan. In the assessment of potential infrastructure requirements the demand generated by proposed land uses must be assessed and the capacity required both on and off the site must be provided before the related demand/need occurs. The use of new engineering initiatives for the provision of infrastructure and services are encouraged where such initiatives will provide infrastructure and services more efficiently and have capacity to lead to positive environmental outcomes. As part of the assessment of any Precinct Plan application it is necessary to carefully assess the staged nature of development and ensure that future development within the Precinct or external to that Precinct is not limited, through either the provision of under capacity services and/or the location of services without forethought to the requirement for future stages of development to connect to those services.

## 8. Transport and Access

The provision of an efficient roading network - including provision for alternative modes of transport, including public transport, in alignment with Council's related strategy and direction - with the key existing roads potentially affected by development being One Tree Point Road, Port Marsden Highway, and the 'Boulevard' road, as well as the future key connecting roads depicted in the Master Plan. The assessment of the potential impact of development on the transport network shall take into account any changes in the modes of transport being used, particularly the use of public transport.

## 9. Provision of Open Space

To require that the open space network provided within the Marsden Primary Centre is linked to assessed demand, enables unrestricted access by the public, and is designed so that open spaces are accessible, readily usable, able to cater for a range of uses and users, and linked in a legible manner.

## 10. Natural Hazards

To ensure that as part of the assessment process of any Precinct Plan application(s), the extent of any natural hazards are taken into account, and effective means of avoiding, remedying and/or mitigating those hazards incorporated into the methods by which the site will be developed.

## 11. Precinct Plan Applications

To require a Precinct Plan included with a plan change application for the Marsden Primary Centre to include the following information:

### (i) Area and Location

Detail of the exact area that is to be the subject of the Precinct Plan.

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### (ii) Master Plan

- a) A Precinct Plan must include all of the land identified for a Precinct in the Precincts Plan and shall give effect to the relevant /outcomes of the Master Plan and ensure integration of the Precinct Plan under consideration with already approved Precinct Plan(s) and not limit the development of future Precincts.

### (iii) Urban Design and Open Space

- a) A report by a suitably qualified urban designer/planner/architect, who is a signatory to the New Zealand Urban Design Protocol, detailing specific urban design elements that are to be applied within the particular Precinct. These design elements will be developed in accordance with the New Zealand Urban Design Protocol; being:
  - i. Specific urban design principles to be applied within the Precinct, including bulk and location controls;
  - ii. Design standards for streetscapes;
  - iii. Roading cross sections for collector and local roads specifically detailing any provision to be made for car parking;
  - iv. The location, dimensions and area of any shared/common car parking areas to be provided within the Precinct;
  - v. Specific details of the Open Space network to be created within the individual Precinct, detailing in specific terms:
    - The location, dimensions and area of public open space to be provided.
    - Connections to be provided between areas of public open space.
- b) Methods for implementing the planting guidelines for road reserves and areas of public open space identified in the Precinct Plan.

### (iv) Infrastructure Framework

- a) An infrastructure framework incorporating engineering solutions, prepared by registered engineers with appropriate and demonstrated qualifications in each discipline, detailing the layout and capacity of services to be provided within the Precinct for:
  - i. Roading (including provision of public transport and alternative movement modes);
  - ii. Wastewater;
  - iii. Stormwater; and
  - iv. Water;

and confirmation from Council that there is sufficient capacity within, or planned capacity within, the network infrastructure external to the Precinct and external to the Marsden Primary Centre site to accommodate the predicted increase in service demand.
- b) The infrastructure framework will also detail where necessary, those areas within the Precinct and within other Precincts required to be set aside for the physical provision of infrastructure.
- c) The infrastructure network within the Precinct Plan should define any specific requirements necessary with regard to the provision of network utility services; namely electricity and telephone services and possible gas reticulation.
- d) The infrastructure network within the Precinct Plan should detail the car parking standards to be applied in the assessment of the car parking requirements, including assessment methods to be applied where car parking areas serve multiple uses/sites and also detail the management/maintenance of shared/common car parking areas, which may include the vesting of such car parking areas in the Council once developed.

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### (v) Hazards

- a) Detail and assessment of the extent of any areas subject to hazards, including flooding, any restrictive geotechnical conditions and ground contamination issues and methods to be applied to manage these potential hazards.

### (vi) Ecology

- a) The relevant Precinct Plan(s) are to provide for the protection and potentially the enhancement of ecological areas where merited.

### (vii) Reverse Sensitivity

- a) The relevant Environment Rules, in concert with the associated Precinct Plan(s), will address the potential for reverse sensitivity effects, especially involving residential or other sensitive people-base activities (e.g. child care, hospitals, etc) and activities which may generate effects which can impact on sensitive uses and in so doing create an untenable operating environment for the generating use. It is intended to ensure that legitimate activities operating within effects thresholds are not pressured to alter or cease their activities through unrealistic or unreasonable expectations; and that wherever possible sensitive activities themselves undertake measures to limit such effects on themselves (e.g. acoustic treatment of residential buildings etc).

## ***MPC.A.2 Activity Status and Applications***

### **Development Requiring a Precinct Plan and Environment Rules**

- (a) Physical development of the site (or part of the site) and / or subdivision (and the associated physical works) shall only occur in accordance with a Precinct Plan and Environment Rules in the Plan, and in accordance with any required land use or subdivision resource consents.
- (b) If a Precinct Plan and associated Environment Rules have not been approved for any land within the Marsden Primary Centre, subdivision and/or physical development of the site for any permitted, limited discretionary or discretionary activity under the underlying Countryside Environment shall be a discretionary activity, and any non-complying activity shall be a prohibited activity.

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## Marsden Primary Centre – Town Centre South Environment – Land Use

### TCSE.1.1 Description and Expectations

The Marsden Primary Centre Town Centre South Environment is located in the central sector of the Primary Centre and is bounded by One Tree Point Road and the Rail designation to the west and north, and bisected west-east by "Mainstreet" (Casey Street).

It is intended to provide primarily for a range of retail, commercial, civic and residential activities. A high standard of urban design is intended and this is to be achieved by detailed provisions relating to the scale, external treatment and location of buildings, and both the configuration of roads and open space.

Residential development is intended to be at relatively high density with both townhouse and apartment living, along with some areas of lower density residential around much of the periphery of the Town Centre residential area. This will assist in providing a buffer - along with similarly managed residentially compatible industry activities - between the adjoining residential and industrial areas.

Overall the intention is to enable and encourage the development of a community where all aspects of daily life (living, work, shopping, education and recreation) are co-located in a largely mixed use environment that avoids arbitrary land use separation and the loss of vitality and convenience that arises from that, including unnecessarily long and expensive trips between various activities. Much of the focus is on encouraging people-focussed activities in and around the town centre while allowing other activities to merge seamlessly where their varying effects can be accommodated.

The following Environment and Policy Areas terminology is used in the Policies and Rules:

Commercial Policy Area = *Town Centre South Environment - Commercial Policy Area*

Residential Policy Area = *Town Centre South Environment - Residential Policy Area*

~~Residential Compatible Industry~~ Mixed Use 1 Policy Area = *Industry Environment - ~~Residential Compatible Industry~~ Mixed Use 1 Policy Area*

~~Light Industry~~ Mixed Use 2 Policy Area = *Industry Environment - ~~Light Industry~~ Mixed Use 2 Policy Area*

Neighbourhood Centre Commercial Policy Area = *Industry Environment - Neighbourhood Centre Commercial Area*

### TCSE.1.2 Objectives

1. Retail and commercial service activities are provided in an accessible and convenient location for people residing both within and outside the Marsden Primary Centre.
2. Opportunities are provided for people to live in close proximity to shops, services and employment by enabling mixed use business and residential activities.
3. A wide choice of housing options in high quality living environments is provided with higher densities in proximity to shops and employment.
4. A high standard of urban design shall be achieved for residential and commercial development, particularly in the medium density residential area and Main Street environments.
5. Provision is made for addressing reverse sensitivity conflicts, particularly between residential and commercial activities.

### TCSE.1.3 Eligibility

Activities not requiring consent as a discretionary activity shall be a permitted activity.

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## Marsden Primary Centre – Town Centre South Environment – Land Use

### *TCSE.1.4 Notification*

Land use proposals that are not contrary to the above requisite policies are precluded from public notification.

### *TCSE.1.5 Discretionary Activities*

1. Any of the following activities are Discretionary Activities except as otherwise limited or provided for in the Commercial or Residential Policy Areas, or a Precinct Plan.
  - (i) Activities involving the development or construction of buildings which do not comply with:
    - a) The Town Centre South Precinct 1 Plan and Standards in Section F; or
    - b) The provisions of the relevant Commercial or Residential Policy Areas.
  - (ii) Activities exceeding the allocations in the Spatial Budget in Appendix G.
  - (iii) Activities exceeding the levels and limits specified in the Specific Effects Thresholds in Section E:
    - a) Part A: Specific Effects Thresholds for Noise Zone 2 (since replaced by Noise and Vibration Chapter); and
    - b) Part B.
  - (iv) Activities where the vehicle access on to a public road is not in accordance with the standards in Appendix 6 - Road Transport.
  - (v) Activities which do not provide the number of car parks required for that activity under Appendix 6 - Road Transport.
  - (vi) The development or construction of building(s) on sites identified in the Precinct 1 Plan and Standards in Section F as “Special Entrance Treatment ‘A’, ‘B’ or ‘C’ ”.

#### **Commercial Policy Area**

2. Activities within the Town Centre South - Commercial Policy Area:
  - (i) Which do not provide the number of car parks required for that activity under Appendix 6 - Road Transport except for the following:
    - a) Restaurants (excluding Drive through Facilities and take-away food bars) seating more than 30 people,: a minimum of 75% of the number required by Appendix 6 - Road Transport.
    - b) Restaurants (excluding Drive through Facilities and take-away food bars) seating 30 people or less: No parking required.
  - (ii) That exceed the Internal Noise Environment noise levels set out in the Noise and Vibration Chapter;
  - (iii) Which involve residential activities at ground floor level other than stair / lift entrances, and reception areas;
  - (iv) That involve the manufacture, fabrication, machining, processing, mechanical assembly or maintenance of goods, or the storage or warehousing of goods, as a principal activity on a site and/or occupying a GFA exceeding 50m<sup>2</sup>;



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## Marsden Primary Centre – Town Centre South Environment – Land Use

### Residential Policy Area

3. Activities within the Town Centre South - Residential Policy Area that:
  - (i) Generate more than 20 daily vehicle movements per residential unit excluding any movements directly associated with the domestic activities of permanent occupants of a household unit;
  - (ii) Exceed the noise levels set out in the Noise and Vibration Chapter for Noise Zone 2;
  - (iii) Require more than 3 car parks under Appendix 6 - Road Transport;
  - (iv) Operate outside the hours of 7:00am to 10:00 pm except for residential and visitor accommodation;
  - (v) Involve the retail, trade or wholesale sale of goods;
  - (vi) Involve the manufacture, fabrication, machining, processing, mechanical assembly or maintenance of goods, or the storage or warehousing of goods, on site.

### TCSE.1.6 Requisite Policies

#### Spatial Budget

1. Business, service and residential living opportunities and the wider population distributional and numerical effects of development of the Marsden Primary Centre shall be managed by not exceeding the Spatial Budget in Appendix G, other than for transfers between any Precincts that do not exceed 10% of the specified standard.

#### Integration and Layout

2. Integrated development shall be achieved by requiring adherence to the requirements of the Precinct 1 Plan and Standards in Section F; with the exception of the following:
  - (i) The specified layouts of identified roads and building footprints to a maximum of 20m variation;
  - (ii) Other standards to a maximum of 10% variation.

#### General Urban Design

3. An application for land use consent shall be accompanied by a report prepared by a suitably qualified urban designer/planner/architect who is a signatory to the New Zealand Urban Design Protocol which details the manner in which the design principles exhibited in Precinct 1 Plan and Standards in Section F are met by the proposed development.
4. Visual gateways on sites at key intersections, identified with 'Special Entrance Treatment' notations in the Precinct 1 Plan and Standards in Section F, shall be provided by requiring:
  - (i) Buildings to meet the minimum height and bulk standards set out in the Precinct 1 Plan; and
  - (ii) An application for land use consent to be accompanied by a report prepared by a suitably qualified urban designer / planner / architect who is a signatory to the New Zealand Urban Design Protocol, which (among other relevant matters) includes an explanation and assessment of the manner in which the building proposed for the site provides:

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# Marsden Primary Centre – Town Centre South Environment – Land Use

- a) A 'visual gateway' effect for people on the main approach roads;
- b) Effective street frontage articulation; and
- c) Private open space if residential units are proposed, including decks and balconies where appropriate.

### Residential

- 5. At least 80% of medium density dwellings in the Residential Policy Area shall be within:
  - (i) 250m of the Town Centre South Main Street Overlay;
  - (ii) 200m of a neighbourhood park.
- 6. A minimum of 95% of medium and low density housing within the Residential Policy Area shall have full frontage to a street or lane.

### Main Street

- 7. A sense of place and enclosure and a high standard of pedestrian amenity within the street environment on Mainstreet shall be achieved by requiring buildings to interface with the street in the manner prescribed in Precinct 1 Plan Standards in Section F.

### Commercial Policy Area

- 8. All residential activities other than stair / lift entrances, and reception areas within the Commercial Policy Area shall be at first floor or higher, to maximise retail and commercial opportunities, and to avoid reverse sensitivity effects on such activities.
- 9. Activities within the Commercial Policy Area involving the manufacture, fabrication, machining, processing, mechanical assembly or maintenance of goods, or the storage or warehousing of goods, shall not exceed 100m<sup>2</sup> GFA.

### Residential Policy Area

- 10. Non-residential activities within the Residential Policy Area shall not:
  - (i) Involve the retail or wholesale sale of goods directly to people physically attending the site, other than a show home;
  - (ii) Involve the manufacture, fabrication, machining, processing, mechanical assembly or maintenance of goods, or the storage or warehousing of goods;
  - (iii) Generate more than 20 daily vehicle movements per residential unit excluding any movements directly associated with the domestic activities of permanent occupants of a household unit;
  - (iv) Require more than 4 car parks under Appendix 6 - Road Transport;
  - (v) Under-provide parking by more than 1 car park required for that activity under Appendix 6 - Road Transport.

### Activity Effects

- 11. The effects of activities shall be managed by requiring compliance with the Specific Effects Provisions in Section F.



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# Marsden Primary Centre – Town Centre South Environment – Land Use

### Noise

12. Adverse noise effects shall be avoided by requiring compliance with the applicable noise limits set out in Precinct 1 Plan Standards in Section F.

### Building Scale and Bulk

13. Overall amenity and visual impact effects shall be avoided or mitigated by ensuring the scale and bulk of buildings do not vary from the specifications in Precinct 1 Plan in Section F by more than 20%.

### Building Setbacks

14. Overall adverse amenity effects shall be avoided or mitigated by ensuring the location and height of buildings in relation to boundaries do not exceed the specifications in the Precinct 1 Plan and Standards in Section F by more than 20%.

### Landscaping

15. Adverse amenity effects shall be avoided or mitigated by ensuring that street and park boundary tree planting required in Precinct 1 Plan and Standards in Section F is instituted.

## TCSE.1.7 General Policies

### Integration and Layout

1. To ensure a high standard and integration of urban development by requiring detailed planning at a precinct level.
2. In respect of any alternative site, road and/or open space layout within the Residential Policy Area to that in Precinct 1 Plan and Standards in Section F, integrated development should be achieved by ensuring that the urban design principles exhibited in the Plan are met in respect of the number of sites/units, spatial allocations, connectivity between public streets, site orientation and the relationship of sites/units to public streets.

### Urban Design

3. To ensure a people-based pedestrian environment and human-scale character in the Town Centre South, and in particular in relation to the Mainstreet frontage, through:
  - (i) A continuity of building frontages abutting the street;
  - (ii) Avoidance of extensive blank walls, and security fencing; and
  - (iii) Avoidance of large floor space manufacturing and service activities.
4. To achieve a high quality living environment by ensuring that houses offer good:
  - (i) Privacy;
  - (ii) Solar access;
  - (iii) Safety;
  - (iv) Indoor/outdoor flows;
  - (v) Quality visual character.
5. To achieve a high quality residential amenity by ensuring that non-residential activities directly complement and do not generate adverse:

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# Marsden Primary Centre – Town Centre South Environment – Land Use

- (i) Noise;
- (ii) Vehicle movement;
- (iii) Parking;
- (iv) Odour; or
- (v) Privacy

Effects that unreasonably impact on residential ambience and expectations, having regard to the character; location and intensity of existing and anticipated future residential activities.

6. To ensure a clear definition between public and private space by encouraging block perimeter development based on optimising street frontages for buildings and sites.
7. That a consent application is accompanied by an urban design report prepared by a suitably qualified urban designer/planner/architect who is a signatory to the New Zealand Urban Design Protocol which details:
  - (i) Any alternative urban design principles applied;
  - (ii) The reasons for inconsistency with the Precinct 1 Plan and Standards, and the anticipated alternative urban design outcomes;
  - (iii) The alternative standards to those in the Precinct 1 Plan Standards as relevant for buildings, streetscapes, street furniture, landscaping and road cross sections, and parking areas.
8. On sites with 'Special Entrance Treatment' notations, alternative buildings, structures or other features shall be subject to an urban design report detailing the manner in which the design principles for the required visual 'gateway' effect are met by the proposed development.

### Infrastructure

9. To ensure that appropriate infrastructure provision is made for proposed activities in regard to both site specific and cumulative effects having regard to the overall design thresholds for existing and future infrastructure in the Marsden Primary Centre.

### Consolidated Development

10. To provide for a range of housing choice conveniently located in close proximity to shops, services, employment and public transport.
11. To provide for a range of housing densities, including large and small lots with detached houses, and medium density housing with semi-detached and attached houses, and apartments.
12. To locate a significant proportion of medium density residential development in easy walking proximity to shops and services within the Commercial Policy Area.

### Reverse Sensitivity

13. To avoid reverse sensitivity effects between residential and commercial / industrial activities through the location and management of interfaces between different activities, including appropriate legal and construction methods and mechanisms.

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# Marsden Primary Centre – Town Centre South Environment – Land Use

### Noise

14. To avoid significant adverse noise effects of any activity on another, particularly in regard to the provision of an acceptable level of amenity for residential and public places, including civic area and buildings.

### Internal Noise

15. To avoid adverse effects arising from noise reception in regard to residential or other accommodation units, facilities for the care of the elderly or sick; education child care facilities; places of assembly and similar noise sensitive activities by ensuring appropriate building construction and treatment of the host building, having regard to the:
  - (i) Maximum level of noise likely to be received in regard to the existing and potential activities enabled in the adjacent environment;
  - (ii) Potential effects on people's health and safety;
  - (iii) Length of time for which the internal noise environment will be greater than that specified, especially at night;
  - (iv) Practicability of mitigation measures to reduce noise effects.

### Vibration

16. To avoid adverse effects arising from vibration in regard to:
  - (i) Duration, time and type of vibration;
  - (ii) Effects on health and safety;
  - (iii) Effects on amenity values.

### Transport Network

17. To ensure that connectivity for all forms of transport is achieved by protecting and / or providing for the efficient and safe use of:
  - (i) The external arterial roads of One Tree Point Road and Port Marsden Highway;
  - (ii) Internal collector roads linking all precincts in the Marsden Primary Centre and land beyond the Centre;
  - (iii) Pedestrian and cycle routes throughout the Marsden Primary Centre and aligning with existing and potential future external routes, and in particular connections to the Town Centre Environment;
  - (iv) The Rail line.
18. To avoid potential adverse effects on the transport network in regard to:
  - (i) One Tree Point Road, Port Marsden Highway, Boulevard Road and the Rail frontages;
  - (ii) The effects of parking, loading and manoeuvring on existing public roads;
  - (iii) The need for acceleration and deceleration lanes;
  - (iv) Appropriate access design;
  - (v) The number, location and design of vehicle crossing;

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- (vi) Pedestrian safety;
  - (vii) Efficiency and safety of roads;
  - (viii) Traffic safety and visibility;
  - (ix) Dust effects;
  - (x) The effect on roads in the vicinity of the site and their ability to carry the traffic that the proposal will generate;
  - (xi) The need for traffic control, including signs, signals and traffic islands;
  - (xii) The additional matters listed in Appendix 6;
  - (xiii) Those matters listed in Chapter 47 Road Transport Rules.
19. To recognise that in regard to the provision of parking in the Commercial Policy Area, there are opportunities for public transport, proximate residential living, parking aggregation, and other benefits which may limit parking needs for some activities beyond that provided for as a Permitted Activity.

### ~~Network Utilities~~

20. – Deleted 13/01/2014 (Refer to Network Utilities Chapter)

### Signs

21. To avoid adverse effects arising from the construction, design and placement of a sign in reference to:
- (i) Traffic safety;
  - (ii) Being visually appropriate to the neighbourhood by not dominating a site or the surrounding area;
  - (iii) Being visually obtrusive in terms of free standing sign height in relation to the height of surrounding buildings;
  - (iv) Creating an effect of clutter in the immediate area because of a poor relationship to other signs or elements and the amount of signage in relation to the frontage;
  - (v) Being sensitive (in terms of scale, form and harmony) to the building on which it is to be erected or displayed, to the immediate surroundings or to the places from which it can be seen;
  - (vi) Obscuring or detracting from landscape elements in the front yard of a site;
  - (vii) Being of such construction that its method of support or fixing is not aesthetically incorporated into its design;
  - (viii) The number and location of other signs in the vicinity;
  - (ix) The visual amenity and residential coherence of the neighbourhood (Residential Policy Area only);
  - (x) The appropriateness of the sign compared to the residential nature of the neighbourhood (Residential Policy Area only).

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# Marsden Primary Centre – Town Centre South Environment – Land Use

### Boundary Amenity

22. To avoid adverse effects arising from the construction or placement of a fence in regard to:
- (i) Effects on amenity values;
  - (ii) Effects on visual amenity;
  - (iii) Effects on traffic safety;
  - (iv) Effects on health and safety.

### Lighting

23. To avoid adverse effects arising from the location and nature of artificial lighting in regard to:
- (i) Orientation, strength, intensity, colour, frequency of flashing of the light;
  - (ii) Effects on traffic safety;
  - (iii) Positive effects on pedestrian safety;
  - (iv) Effect on amenity values;
  - (v) Loss of night sky viewing.

### Building Scale and Bulk

24. To avoid significant adverse effects from the scale and bulk of building in relation to:
- (i) The nature of activities on adjoining sites;
  - (ii) The built characteristic of the neighbourhood;
  - (iii) The extent to which the effects of the height can be mitigated by setbacks, planting, design or the topography of the site;
  - (iv) Effects on landscape values;
  - (v) Effects on availability of daylight;
  - (vi) Effects on amenity values.

### Building Setbacks

25. To ensure the location and height of buildings in relation to boundaries avoids more than minor adverse effects in relation to:
- (i) The outlook and privacy of adjoining and adjacent properties;
  - (ii) Sunlight and daylight access to adjoining properties;
  - (iii) Effects on streetscape in terms of achieving built development with a pedestrian scale.

### Landscaping

26. To avoid significant adverse amenity effects by ensuring landscaping is appropriate and sufficient to:
- (i) Avoid adverse effects on neighbours;
  - (ii) Avoid adverse effects on the amenity of the locality.

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# Marsden Primary Centre – Town Centre South Environment – Land Use

### Outdoor Storage

27. To avoid adverse effects arising from outdoor storage activities in regard to:

- (i) Dust effects;
- (ii) Smell effects;
- (iii) Visual effects;
- (iv) Amenity effects;
- (v) Effects on amenity values;
- (vi) Effects on health and safety;
- (vii) Quality of stormwater runoff.

### Aerials

28. To avoid adverse effects arising from any aerial and/or aerial support structure in regard to:

- (i) The design and external appearance of buildings and structures;
- (ii) Landscape treatment and screening;
- (iii) Site location and layout;
- (iv) Amenity effects including shading, visual effect and glare;
- (v) Construction materials;
- (vi) The effects on a heritage item or heritage values.

~~High voltage lines – Deleted 13/01/2014 (Refer to Network Utilities Chapter)~~

29. ~~Deleted 13/01/2014 (Refer to Network Utilities Chapter)~~

### Offensive Trades

30. To avoid actual and potential adverse effects arising from any offensive trade classified as such in the Health Act 1956 having regard in particular to:

- (i) The nature, scale and location of the activity;
- (ii) The nature and location of adjoining sites, and activities existent on them;
- (iii) The nature and location of other sites in the general vicinity;
- (iv) The proposed measures for avoiding any nuisance arising from the activity, and the degree of risk of such measures failing;
- (v) The proposed methods for dealing with waste and for avoiding any contamination of the site or adjoining sites.

### Coastal Inundation

31. To avoid endangerment or damage to people and property by ensuring that the development of inhabitable land and buildings:

- (i) Permits the avoidance, remediation or mitigation of coastal hazards; and/or

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# Marsden Primary Centre – Town Centre South Environment – Land Use

- (ii) Prescribed minimum floor levels in relation to One Tree Point Datum Mean Sea Level 1964 are met or any deviation from them warranted in the circumstances.

### Stormwater

32. To avoid the adverse effects of stormwater arising from the development and use of land and buildings by utilising appropriate alternative methods to ensure that the overall stormwater discharges meet the Whangarei District Council's Environmental Engineering Standards 2010.

### ***TCSE.1.8 Prohibited Activities***

1. The use or occupation of any building in the Commercial Policy Area until the upgrading of Mainstreet as depicted in the "Proposed Mainstreet Road cross-section" in Diagram 1 in Attachment 1 of the Precinct Plan has been completed.
2. Factory farming, mineral extraction, food irradiation.
3. Activities involving bone boiling or crushing; fish cleaning, curing and processing; flax pulping; flock manufacturing or teasing of textiles; refuse accumulation; disposal of sewage; storage, drying or preserving of bones, hides, hooves, or skins; tallow melting, tanning; wood pulping; wool scouring; and
4. An activity that is classified as an offensive trade in the Health Act 1956.
5. The use, storage or on-site movement of hazardous substances that do not comply with the specified conditions in Part B: Specific Effects Thresholds in Section E.

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## Marsden Primary Centre – Industry Environment – Land Use

### IE.2.1 Description and Expectations

The Marsden Primary Centre Industry Environment is located in the south-eastern sector of the Primary Centre, bounded by the Port Marsden Highway, One Tree Point Road and the Rail designation.

It is intended to provide primarily for a range of industrial and complementary business activities for the Marsden Primary Centre area and wider Marsden Point environment. However, a more mixed use environment than is typical of such development over the last few decades is sought and some provision is accorded for residential, community and commercial activities where both its effects, and effects on it, can be addressed.

As the industrial area adjoins residential and mixed use commercial activities located in the Town Centre South Environment, the effects of industrial activities on land uses in that Environment, and potential reverse sensitivity effects of residential and commercial activities on industrial uses, are taken into account by a combination of detailed urban design, and limits on the effects able to be generated by industrial uses.

However, the limitations on the nature and range of industrial activities are offset by the benefits for those industries and services which can locate in the Environment in close association with the residential, retail, community and education activities provided for in the Primary Centre.

The following Environment and Policy Areas terminology is used in the Policies and Rules:

Commercial Policy Area = *Town Centre South Environment - Commercial Policy Area*

Residential Policy Area = *Town Centre South Environment - Residential Policy Area*

~~Residential Compatible Industry~~ Mixed Use 1 Policy Area = *Industry Environment - ~~Residential Compatible Industry~~ Mixed Use 1 Policy Area*

~~Light Industry~~ Mixed Use 2 Policy Area = *Industry Environment - ~~Light Industry~~ Mixed Use 2 Policy Area*

Neighbourhood Centre Commercial Policy Area = *Industry Environment - Neighbourhood Centre Commercial Area*

### IE.2.2 Objectives

1. A range of industrial, other business and associated employment, and limited residential and community activities are provided for within an industrial sector of the Marsden Primary Centre which give effect to and complement the mixed use outcomes sought for the Centre.
2. The viability and vitality of the Town Centre South prime commercial and residential form and function is reinforced and enabled by limiting the extent to which people-oriented activities are able to establish in the surrounding industrial environment.
3. That adverse effects of industrial activities on surrounding land uses are avoided or mitigated where practicable, including effects on residential and more fine-grained commercial activities.
4. The safe and convenient use of the roading network serving the Primary Centre is protected from inappropriate site access and land use activities.



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## Marsden Primary Centre – Industry Environment – Land Use

5. The visual amenities of the Primary Centre, and in particular the borders of the main collector/arterial roads, are protected from adverse impacts of industrial development and activities.
6. The capacity and efficiency of existing and planned future infrastructure services of the Primary Centre are protected from inappropriate development.
7. Reverse sensitivity effects of non-industrial activities such as residential and office uses are avoided so as to not unreasonably constrain industrial activities.

### IE.2.3 Eligibility

Activities not requiring consent as a discretionary activity shall be a permitted activity.

### IE.2.4 Notification

Land use proposals that are not contrary to the requisite policies are precluded from public notification.

### IE.2.5 Discretionary Activities

1. Any one or more of the following activities are Discretionary Activities except as otherwise limited or provided for in the ~~Residential Compatible Industry Mixed Use 1, Light Industry Mixed Use 2~~ or Neighbourhood Centre Commercial Policy Areas, or a Precinct Plan:
  - (i) Activities involving the development, construction or use of buildings which do not comply with:
    - a) The Industry Precinct 2 Plan and Standards in Section F; and/or
    - b) The provisions of the relevant ~~Residential Compatible Industry Mixed Use 1, Light Industry Mixed Use 2~~, and Neighbourhood Centre Commercial Policy Areas.
  - (ii) Activities that exceed the noise levels set out in the Noise and Vibration Chapter ~~as follows: for the Noise Zone 1, Noise Zone 2, and Noise Zone 2A areas as identified in Marsden Primary Centre: Precinct 2 Plan~~
    - a) ~~Industry Environment and Neighbourhood Centre Commercial Policy Area: Noise Zone 1 and Internal Noise Environment.~~
    - b) ~~Light Industry Policy Area and Residential Compatible Industry Policy Area: Noise Zone 2 and Internal Noise Environment.~~
  - (iii) ~~Activities that exceed the Internal Noise Environment levels set out in the Noise and Vibration Chapter for Noise Zone 1 and Noise Zone 2A.~~
  - (iv) Activities that exceed the limits set out in the Specific Effects Thresholds Part B: in Section E.
  - (v) Activities where the vehicle access on to a public road is not in accordance with the standards in Appendix 6 - Road Transport.
  - (vi) Activities which do not provide the number of car parks required for that activity under Appendix 6 - Road Transport.

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## Marsden Primary Centre – Industry Environment – Land Use

- (vi) Retail activity involving the sale or hire of goods merchandise or equipment where the GFA used for that purpose (excluding any area which performs solely a showroom function), exceeds 10% of the GFA of a business premise, up to a maximum of 300m<sup>2</sup>.
- (vii) Residential unit(s) where:
  - a) There is more than one unit per site; or
  - b) The site is less than 2,000m<sup>2</sup> in area.
- (viii) The development, construction or use of buildings on sites where stormwater attenuation is not augmented by either:
  - a) Raising the spillway and outlet structure by 300mm on the stormwater pond on Lot 2 DP 386730; or
  - b) Piping the surplus stormwater volumes from the stormwater pond on Lot 2 DP 386730 to the stormwater pond on Lot 2 DP 406479.
- (ix) An activity classified as an offensive trade in the Health Act 1956.
- (xi) Retirement Villages.

### ~~Residential-Compatible Industry~~ Mixed Use 1 Policy Area

2. Activities in the ~~Residential-Compatible Industry~~ Mixed Use 1 Policy Area where:
  - (i) The site size or building coverage does not comply with the Precinct 2 Plan and Standards in Section F.
  - (ii) In regard to residential units/dwellings:
    - a) Units are located at ground level; or
    - b) There are more than three residential units on a site; or
    - c) A report is not provided from a suitably qualified urban designer / planner / architect who is a signatory to the New Zealand Urban Design Protocol, which includes an explanation and assessment of the manner in which the development provides for:
      - i. Orientation and access to the street or other public or private space, and passive surveillance of such areas;
      - ii. Private open space, including decks and balconies where appropriate;
      - iii. Effective facade articulation, including garage door materials, to ensure visual interest;
      - iv. Landscaping for visual amenity and in the case of private lanes, to discourage thoroughfare by non-residents;
      - v. Aural and visual privacy between units, and adjoining activities; or
    - d) The number of residential units within any development exceed the number of individual business premises; or
    - e) The total combined number of residential units within the ~~Residential-Compatible~~ Mixed Use 1 Policy Area exceeds 5% of the total number of residential dwelling units otherwise specified for the Primary Centre in the Spatial Budget in Appendix G.

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## Marsden Primary Centre – Industry Environment – Land Use

(iii) In regard to activities or business premises where:

- a) The GFA utilised for the manufacture, fabrication, machining, processing, mechanical assembly or maintenance of goods, or the storage or warehousing of goods, exceeds 200m<sup>2</sup>.
- b) The sale or hire of goods merchandise or equipment occurs, except where this is ancillary to the manufacturing, assembly or maintenance of goods undertaken from the premises, and the GFA utilised for sales or hire does not exceed 50m<sup>2</sup>.
- c) The manufacture, fabrication, machining, processing, mechanical assembly or maintenance of vehicles, other machinery or goods, or the storage or warehousing of goods, is undertaken outside of a building; or
- d) Service doors and opening windows face an adjoining site identified as Town Centre South Environment - Residential Policy Area at less than 900.

### ~~Light Industry~~Mixed Use 2 Policy Areas

3. Residential units/dwellings in the ~~Light Industry~~Mixed Use 2 Policy Area where:

- (i) Units are located at ground level;
- (ii) More than three residential units are in a development;
- (iii) A report is not provided from a suitably qualified urban designer / planner / architect who is a signatory to the New Zealand Urban Design Protocol, which includes an explanation and assessment of the manner in which the development provides for:
  - a) Orientation and access to the street or other public or private space, and passive surveillance of such areas;
  - b) Private open space, including decks and balconies where appropriate;
  - c) Effective facade articulation, including garage door materials, to ensure visual interest;
  - d) Landscaping for visual amenity and in the case of private lanes, to discourage thoroughfare by non-residents;
  - e) Aural and visual privacy between units, and adjoining activities.
- (iv) The number of residential units within any development exceed the number of individual business premises;
- (v) The total number of residential units within the ~~Light Industry~~Mixed Use 2 Policy Area exceeds 2.5% of the total allocation of residential dwelling units specified in the Primary Centre Spatial Budget in Appendix G;
- (vi) The site fronts the Abraham Street extension and the Rail Corridor is designated.

4. Business units or activities in the ~~Light Industry~~Mixed Use 2 Policy Area where:

- (i) The site fronts the Abraham Street extension, and there is no connection between Abraham Street and the Boulevard constructed in accordance with the Precinct Plan, and the GFA utilised for:
  - a) The manufacture, fabrication, machining, processing, mechanical assembly or maintenance of goods, or the storage or warehousing of goods, exceeds 200m<sup>2</sup>; or

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## Marsden Primary Centre – Industry Environment – Land Use

- b) The display and sale of products or goods other than as ancillary to principal manufacturing, assembly or maintenance of goods undertaken from the premises, exceeds 50m<sup>2</sup>.
- (ii) The manufacture, fabrication, machining, processing, mechanical assembly or maintenance of vehicles, other machinery or goods, or the storage or warehousing of goods, is undertaken outside of a building.

### Neighbourhood Centre Commercial Policy Area

5. Activities in the Neighbourhood Centre Commercial Policy Area where:
  - (i) The retail sales area of any business premises exceeds 150m<sup>2</sup> GFA; or
  - (ii) Where more than three residential units are in a development; or
  - (iii) Residential units/dwellings are located at the ground level; or
  - (iv) The number of residential units within any development exceeds the number of individual business premises.

### IE.2.6 Requisite Policies

#### Integration and sustainable development

1. The integrated development and use of the Marsden Primary Centre, opportunities for industrial activities in the Industry Environment, and the sustainability of the Town Centre South Environment, shall be maintained by ensuring:
  - (i) Adherence to the requirements of the Industry Precinct 2 Plan and Standards in Section F with a maximum spatial divergence from the specified layouts and standards of up to 20m for roads and building layouts; and 10% for other standards;
  - (ii) The total number of residential units do not exceed 10% of the total allocation for the Primary Centre Spatial Budget in Appendix G;
  - (iii) Retail activity nodes involving the sale or hire of goods merchandise or equipment from small format premises shall be limited to the two locations identified as Neighbourhood Centre Commercial Policy Areas where the retail sales area of any business premise within the Centre does not exceed 150m<sup>2</sup>, being of a scale and location:
    - (a) Sufficient to provide for the convenience needs for employees and visitors to other activities in the Industry Environment;
    - (b) That will not otherwise divert retail activities from the preferred location in and around the Town Centre South Environment - Commercial Policy Area.
  - (iv) Total retail activity GFA involving the sale or hire of goods merchandise or equipment within the ~~Light Industry~~ Mixed Use 2 Policy Area shall not exceed 16,000m<sup>2</sup> GFA and no single business premise shall have a GFA of less than 1,000m<sup>2</sup>; provided that the assessment of total retail activity GFA and the restriction on single business GFA excludes that:
    - (a) Occurring in the Neighbourhood Centre Commercial Policy Area;

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## Marsden Primary Centre – Industry Environment – Land Use

- (b) Relating to the sale or hire of goods merchandise or equipment (excluding any area which performs solely a showroom function) not exceeding 10% of the GFA of a business premise, up to a maximum of 300m<sup>2</sup>.

### Residential Activities

2. Residential activities within the ~~Residential Compatible Industry~~Mixed Use 1, Light IndustryMixed Use 2, and Neighbourhood Centre Commercial Policy Areas shall protect the core industrial role of the underlying Environment and achieve a high standard of residential amenity by requiring:
  - (i) The number of residential units to not exceed the number of industrial units on any site;
  - (ii) Residential units to be located above ground level so as to maximise area of the land available for business activities and to provide a degree of separation between residential and industrial business uses; and
  - (iii) An application for land use consent to be accompanied by a report prepared by a suitably qualified urban designer / planner / architect who is a signatory to the New Zealand Urban Design Protocol, which includes (among other relevant matters) an explanation and assessment of the manner in which the development provides for:
    - a) Orientation and access to the street or other public or private space, and passive surveillance of such areas;
    - b) Private open space, including decks and balconies where appropriate;
    - c) Effective facade articulation, including garage door materials, to ensure visual interest;
    - d) Landscaping for visual amenity and in the case of private lanes, to discourage thoroughfare by non-residents;
    - e) Aural and visual privacy between units, and adjoining activities.

### Retirement Villages.

3. Retirement Village activities within the ~~Residential Compatible Industry~~Mixed Use 1 and ~~Light Industry~~Mixed Use 2 Policy Area shall protect the core light industrial role of the underlying Environment and achieve a high standard of residential amenity by requiring an application for land use consent to be accompanied by a report prepared by a suitably qualified urban designer / planner / architect who is a signatory to the New Zealand Urban Design Protocol, or acoustic engineer, which includes (among other relevant matters) an explanation and assessment of the manner in which the development provides for:
  - (i) Orientation and access to the street or other public or private space, and passive surveillance of such areas;
  - (ii) Private open space, including decks and balconies where appropriate;
  - (iii) Effective facade articulation, including garage door materials, to ensure visual interest;
  - (iv) Landscaping for visual amenity and in the case of private lanes, to discourage thoroughfare by non-residents; and
  - (v) Aural and visual privacy between the retirement units and adjoining activities.

### Effects

4. The adverse effects of activities on adjoining and surrounding land uses shall be avoided by:

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## Marsden Primary Centre – Industry Environment – Land Use

- (i) The application of discreet Policy Areas; and
  - (ii) Requiring compliance with the Specific Effects Thresholds in Section E.
5. Adverse effects, in particular noise, visual, traffic and odour effects, on residential and sensitive commercial activities in the adjacent Town Centre South Environment shall be avoided by limiting the maximum extent of non-compliance with the activity standards for the ~~Residential Compatible Industry Mixed Use 1~~ and ~~Light Industry Mixed Use 2~~ Policy Areas in Discretionary Activity Rules 2 to 5 to no more than 20%.

### Reverse Sensitivity

6. Reverse sensitivity effects resulting from residential activities in the Industry Environment shall be avoided by limiting residential activities to security or caretaking purposes at a maximum of one unit per site with a minimum area of 2,000m<sup>2</sup>; other than where additional residential opportunities including Retirement Villages are provided for in the ~~Residential Compatible Industry Mixed Use 1~~ and ~~Light Industry Mixed Use 2~~ Policy Areas.

### Building Height, Scale and Bulk

7. Adverse visual and urban character effects shall be avoided by general compliance with the building height controls in the Precinct 2 Plan Standards in Section F.
8. Adverse effects of buildings on sunlight and daylight admission to residential and sensitive commercial activities within the Town Centre South Environment, and Industry Environment - ~~Residential Compatible Industry Mixed Use 1~~ Policy Area, shall be avoided by compliance with the height to boundary controls in the Industry Precinct 2 Plan Standards in Section F.

### Urban Design

9. A high standard of urban design quality, visual amenity and safe movement along key transport routes shall be achieved by ensuring no more than minor variation in maximum and minimum building setbacks and landscaping requirements, and preventing the storage of materials in yards, specified in the relevant Frontage Controls in the Precinct 2 Plan Standards in Section F.

### Other Activities

10. The adverse effects arising from potentially offensive activities or processes classified as an offensive trades in the Health Act 1956 shall be avoided by prohibiting the location of such activities in any of the Policy Areas applying within the Industry Environment.
11. The adverse effects arising from stormwater generation by the development, construction or use of buildings on sites shall be avoided by stormwater attenuation being augmented by either:
- (i) Raising the spillway and outlet structure by 300mm on the stormwater pond on Lot 2 DP 386730; or
  - (ii) Piping the surplus stormwater volumes from the stormwater pond on Lot 2 DP 386730 to the stormwater pond on Lot 2 DP 406479.

## IE.2.7 General Policies

### Urban Form and Development

1. To ensure a high standard and integration of urban development by requiring detailed planning at both Masterplan and Precinct level.

# Marsden Primary Centre – Industry Environment – Land Use

## Urban Design

2. To achieve a high quality business environment by ensuring that height, bulk, site coverage, building setbacks from boundaries and landscaping provide a good standard of built amenity in relation to neighbouring sites and public streets.
3. To ensure a clear definition between public and private space by encouraging conventional perimeter development with sites generally facing public streets or significant areas of open space.
4. Where a proposed building or development is not in accordance with the Precinct 2 Plan and Standards, that a consent application is accompanied by an urban design report prepared by a suitably qualified urban designer/planner/architect who is a signatory to the New Zealand Urban Design Protocol which details:
  - (i) Any alternative urban design principles applied;
  - (ii) The reasons for the inconsistency with the 2 Plan and the urban design outcomes expected;
  - (iii) The alternative standards to those in the Precinct 2 Plan Standards as relevant for buildings, streetscapes, street furniture, landscaping and road cross sections, and parking areas, or other relevant matters.

## Retail Activity

5. To ensure the sustainability of the Town Centre South Environment and to avoid the adverse effects of retail activities on the efficient use and operation of industrial activities; including industrial activities with greater actual or potential external effects, and associated roads and infrastructure by:
  - (i) Co-locating retail activities - particularly large scale pedestrian and vehicle focussed activities - with the commercial and residential activities provided for in and immediately around the Town Centre South Environment;
  - (ii) Limiting the overall scale and extent of retail activity within the Industry Environment,
  - (iii) Consolidating neighbourhood shops and services serving local industrial activities in the two defined Neighbourhood Centres which are located within easy and convenient walking distance of those activities; and
  - (iv) Maintaining the scale of retail activity in the Industry Environment at a significantly lower proportion to that in the Town Centre Environment.

## Reverse Sensitivity

6. To avoid reverse sensitivity effects between activities with pedestrian and residential amenity (including residential units, offices and retailing), and industrial activities, by ensuring adequate separation between them.

## Transport Network

7. To ensure that connectivity for all forms of transport is achieved by protecting and / or providing for the efficient and safe use of:
  - (i) The external arterial roads of One Tree Point Road and Port Marsden Highway;



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## Marsden Primary Centre – Industry Environment – Land Use

- (ii) Internal collector roads linking all precincts in the Marsden Primary Centre and land beyond the Centre;
  - (iii) Pedestrian and cycle routes throughout the Centre and aligning with existing and potential future external routes, and in particular connections to the Town Centre Environment;
  - (iv) The Rail line.
8. To avoid potential adverse effects on the transport network in regard to:
- (i) One Tree Point Road, Port Marsden Highway, and Boulevard road and the Rail frontages;
  - (ii) The effects of parking, loading and manoeuvring on existing public roads;
  - (iii) The need for acceleration and deceleration lanes;
  - (iv) Appropriate access design;
  - (v) The number, location and design of vehicle crossing;
  - (vi) Pedestrian safety;
  - (vii) Efficiency and safety of roads;
  - (viii) Traffic safety and visibility;
  - (ix) Dust effects;
  - (x) The effect on roads in the vicinity of the site and their ability to carry the traffic that the proposal will generate;
  - (xi) The need for traffic control, including signs, signals and traffic islands;
  - (xii) The additional matters listed in Appendix 6;
  - (xiii) Those matters listed in Chapter 47 Road Transport Rules.

### ~~Network Utilities~~

9. *Deleted 13/01/2014 (Refer to Network Utilities Chapter)*

### Signs

10. To avoid adverse effects arising from the construction, design and placement of a sign in reference to:
- (i) Traffic safety;
  - (ii) Being visually appropriate to the neighbourhood by not dominating a site or the surrounding area;
  - (iii) Being visually obtrusive in terms of free standing sign height in relation to the height of surrounding buildings;
  - (iv) Creating an effect of clutter in the immediate area because of a poor relationship to other signs or elements and the amount of signage in relation to the frontage;
  - (v) Being sensitive (in terms of scale, form and harmony) to the building on which it is to be erected or displayed, to the immediate surroundings or to the places from which it can be seen;
  - (vi) Obscuring or detracting from landscape elements in the front yard of a site;



# Marsden Primary Centre – Industry Environment – Land Use

(vi) Being of such construction that its method of support or fixing is not aesthetically incorporated into its design;

(viii) The number and location of other signs in the vicinity.

## Boundary Amenity

11. To avoid adverse effects arising from the construction or placement of a fence in regard to:

- (i) Effects on amenity values;
- (ii) Effects on visual amenity;
- (iii) Effects on traffic safety;
- (iv) Effects on health and safety.

## Lighting

12. To avoid adverse effects arising from the location and nature of artificial lighting in regard to:

- (i) Orientation, strength, intensity, colour, frequency of flashing of the light;
- (ii) Effects on traffic safety;
- (iii) Positive effects on pedestrian safety;
- (iv) Effect on amenity values;
- (v) Loss of night sky viewing.

## Noise

13. To avoid actual and potential adverse effects arising from noise generation in regard to:

- (i) Maximum level of noise likely to be generated;
- (ii) The nature and frequency of the noise, including any special audible characteristics;
- (iii) Effect on nearby activities, in particular more noise sensitive residential, office and similar environments;
- (iv) Length of time for which the specified noise level is exceeded, especially at night;
- (v) Likely adverse effects on-site and beyond the site;
- (vi) Mitigation measures to reduce noise generation.

## Internal Noise

14. To avoid adverse effects arising from noise reception in regard to residential or other accommodation units, facilities for the care of the elderly or sick; education child care facilities; places of assembly and similar noise sensitive activities by ensuring appropriate building construction and treatment of the host building, having regard to the:

- (i) Maximum level of noise likely to be received in regard to the existing and potential activities enabled in the adjacent environment;
- (ii) Potential effects on people's health and safety;
- (iii) Length of time for which the internal noise environment will be greater than that specified, especially at night;

# Marsden Primary Centre – Industry Environment – Land Use

- (iv) Practicability of mitigation measures to reduce noise effects.

## Vibration

- 15. To avoid adverse effects arising from vibration in regard to:

- (i) Duration, time and type of vibration;
- (ii) Effects on health and safety;
- (iii) Effects on amenity values;
- (iv) The additional matters listed in Appendix 10.

## Outdoor Storage

- 16. To avoid adverse effects arising from outdoor storage activities in regard to:

- (i) Dust effects;
- (ii) Smell effects;
- (iii) Visual effects;
- (iv) Amenity effects;
- (v) Effects on amenity values;
- (vi) Effects on health and safety;
- (vii) Quality of stormwater runoff.

## Aerials

- 17. To avoid adverse effects arising from any aerial and/or aerial support structure in regard to:

- (i) The design and external appearance of buildings and structures;
- (ii) Landscape treatment and screening;
- (iii) Site location and layout;
- (iv) Amenity effects including shading, visual effect and glare;
- (v) Construction materials;
- (vi) The effects on a heritage item or heritage values.

## ~~High voltage lines –~~

- 18. ~~Deleted 13/01/2014 (Refer to Network Utilities Chapter)~~

## Offensive Trades

- 19. To avoid actual and potential adverse effects arising from any offensive trade classified as such in the Health Act 1956 having regard in particular to:

- (i) The nature, scale and location of the activity;
- (ii) The nature and location of adjoining sites, and activities existent on them;
- (iii) The nature and location of other sites in the general vicinity;
- (iv) The proposed measures for avoiding any nuisance arising from the activity, and the degree of risk of such measures failing;

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# **Marsden Primary Centre – Industry Environment – Land Use**

- (v) The proposed methods for dealing with waste and for avoiding any contamination of the site or adjoining sites.

## **Coastal Inundation**

- 20. To avoid endangerment or damage to people and property by ensuring that the development of habitable land and buildings:
  - (i) Permits the avoidance, remediation or mitigation of coastal hazards; and/or
  - (ii) Prescribed minimum floor levels in relation to One Tree Point Datum Mean Sea Level 1964 are met or any deviation from them warranted in the circumstances.

## **Hazardous Substances**

- 21. To avoid actual and potential adverse effects arising from the use, storage or on-site movement of hazardous substances.

# MPC.D

## Marsden Primary Centre – Town Centre South and Industry Environments – Subdivision

The following Environment and Policy Areas terminology is used in the Policies and Rules:

Commercial Policy Area = *Town Centre South Environment - Commercial Policy Area*

Residential Policy Area = *Town Centre South Environment - Residential Policy Area*

~~Residential Compatible Industry Mixed Use 1~~ Policy Area = *Industry Environment - ~~Residential Compatible Industry Mixed Use 1~~ Policy Area*

~~Light Industry Mixed Use 2~~ Policy Area = *Industry Environment - ~~Light Industry Mixed Use 2~~ Policy Area*

Neighbourhood Centre Commercial Policy Area = *Industry Environment - Neighbourhood Centre Commercial Area*

### S.3.1 Objectives

1. Subdivision provides for and ensures the comprehensive and integrated development of the Marsden Primary Centre.
2. Subdivision results in a layout of allotments, roads, open space and infrastructure provision that ensures that the pattern and nature of development identified in the Masterplan and approved Precinct Plans is achieved.

### S.3.2 Eligibility

Subdivision is a discretionary activity.

### S.3.3 Notification

Subdivision proposals that are not contrary to the above requisite policies are precluded from public notification.

### S.3.4 Requisite Policies

1. Subdivision shall comply with the layout and orientation of sites in Precinct Plans 1 (Town Centre South) and 2 (Industry).
2. In the Town Centre South Environment - Commercial Policy Area every allotment shall have:
  - (i) A net site area of at least 100m<sup>2</sup>;
  - (ii) A minimum frontage to a road of at least 12 m for a corner site and 6m for all other sites.
3. In the Town Centre South Environment - Residential Policy Area every allotment shall be of sufficient size and shape to accommodate the housing typologies identified in Diagrams 5 and 6 in Attachment 1, in the Town Centre South Precinct Plan.
4. In the Industry Environment each allotment shall be:
  - (i) Consistent with the configurations in the Industry Precinct Plan; and
  - (ii) The maximum and minimum allotment sizes specified in the Industry Precinct Plan.
5. In both the Town Centre South and Industry Environments and Policy Areas, the boundaries of all allotments shall be drawn relative to existing buildings, so that:

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# Marsden Primary Centre – Town Centre South and Industry Environments – Subdivision

- (i) There is compliance as a permitted activity with the rules in Chapter 47 (Road Transport), and any other rules relating to parking, loading, manoeuvring and access; and
- (ii) The building complies as a permitted activity with the rules in this Plan relating to site coverage, setbacks, daylight angles, and outdoor living space, except to the extent of any non-compliance that existed lawfully prior to subdivision.

### Roading and Access

- 6. The identification of building platforms and accessways shall be required prior to s224 certification.
- 7. Every allotment shall be capable of having vehicular access to a road, and access physically provided prior to s224 certification where it is shared by two or more allotments.
- 8. That:
  - (i) Any new road or cycleway laid out or formed in a subdivision shall comply in all respects with the relevant standards in Appendix 6K and Appendix 9 of the District Plan;
  - (ii) New roads shall be formed along the general alignment of any indicative road shown on the Masterplan, Precinct Plan or Planning Maps;
  - (iii) A cycleway shall be provided along the Boulevard Road;
  - (iv) Street lighting shall be provided on all new roads created by the subdivision, and comply with the relevant standards in Appendix 9 of the District Plan.

### Infrastructure Services

- 9. That:
  - (i) The design and layout of the subdivision shall provide for the efficient future extension of water supply, stormwater, sewerage and roads to any adjoining land in accordance with the Whangarei District Council's Environmental Engineering Standards 2010.
  - (ii) All allotments shall be provided, within their net site area, with a connection to a Council-maintained:
    - a) Reticulated sewerage system;
    - b) Water supply where available; or where no Council system is available, all allotments can be provided with a safe potable water supply; and the water supply is constructed to comply in all respects with the relevant standards in Appendix 9.
  - (iii) All allotments shall be provided, within their net site area:
    - a) With a means for the disposal of collected stormwater from the roofs of all potential or existing buildings and from all impervious surfaces; and
    - b) The disposal is by way of a connection to a Council-maintained stormwater system where available.
  - (iv) The stormwater disposal system shall be constructed to comply in all respects with the relevant standards in Appendix 9.
  - (v) All allotments shall be provided, within their net site area with a connection to a Council-maintained sewerage system, and the connection and sewage disposal system is constructed to comply in all respects with the relevant standards in Appendix 9 of the District Plan.

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# Marsden Primary Centre – Town Centre South and Industry Environments – Subdivision

- (vi) All allotments shall be provided with a connection to an electrical supply system at the boundary of the site; and the electrical supply is to be underground, where:
  - a) New roads are to be formed in the subdivision; or
  - b) The existing electrical supply is underground in the vicinity of the land being subdivided.
- (vii) All allotments shall be provided with the ability to connect to a telecommunications system; and all new lines, including service leads/lines/connections shall be underground or wireless where:
  - a) There are no existing telecommunications lines and service leads/lines/connections; or
  - b) The existing telecommunications and service leads/lines/ connections are underground or wireless.

### Earthworks

#### 10. That:

- (i) All earthworks shall comply with the relevant standards in Appendix 9;
- (ii) There shall be no changes to the natural range of water levels or the natural eco-system of flora and fauna in any indigenous wetland as a result of earthworks.

## S.3.5 General Policies

1. To require all subdivision proposals to recognise and take into account all site-specific elements and features, and present comprehensive design solutions.
2. To ensure subdivision:
  - (i) Has been planned in a comprehensive manner, and is consistent with the spatial components of the Masterplan and Precinct Plans;
  - (ii) Enables the activities provided for by the Environment, Policy Area and Precinct Plans to be undertaken and / or controls met; and
  - (iii) Does not compromise the efficient subdivision and development of both the subject and adjoining land.
3. To lay out key subdivisional elements in a manner that:
  - (i) Provides all sites with direct street frontage and avoids the need for rear allotments;
  - (ii) Maximises building orientation to the sun, particularly for residential units;
  - (iii) Enables on-site and adjoining site privacy;
  - (iv) Achieves full connectivity of streets, open space and pedestrian routes and avoids dead end roads, cul-de-sacs and circuitous vehicle and pedestrian routes.
4. To facilitate the provision of walkways and cycleways for public access for recreation and to the services and facilities located at the Town Centre.
5. To ensure that the needs of residents and businesses are provided for in relation to engineering services such as communication and electricity, wastewater, water supply and stormwater services; having regard also to the Engineering Performance Standards in Appendix 9.
6. To require adequate provision for potable and fire fighting water supplies to each building site at the time of subdivision.

## **MPC.D**

# **Marsden Primary Centre – Town Centre South and Industry Environments – Subdivision**

7. To avoid, remedy or mitigate natural hazard risks, including instability, flooding and coastal inundation.

# MPC.E

## Marsden Primary Centre – Town Centre South and Industry Environments – Specific Effects Thresholds

### Part A

~~Noise Zone 1~~ (Deleted – refer to Noise and Vibration Chapter)

~~Noise Zone 2~~ (Deleted – refer to Noise and Vibration Chapter)

~~Internal Noise Environment~~ (Deleted – refer to Noise and Vibration Chapter)

### Part B

The following specific effects thresholds apply except than where Environment Rules apply different standards.

#### Network Utilities

- a. The establishment of junction boxes, substations and other equipment cabinets required as part of a utility network that do not exceed a height greater than 2.5m and a ground coverage not exceeding 4.5m<sup>2</sup>; and
- b. The establishment of, or extension to, overhead telecommunication lines located on single poles; and
- c. The establishment of network utility operations for the purposes of wireless communication, or the measurement, collection and distribution of meteorological information, that comply with the rules for Aerials and Aerial Support Structures; and
- d. The upgrading, replacement, removal and maintenance of existing facilities to a no more than minor extent; and
- e. The establishment of, or extension to, underground Network utility operations, including gas lines that have a maximum operating pressure not exceeding 2000 kilopascals.

#### Parking

- f. Parking spaces are provided in accordance with Appendix 6 except where otherwise stated by the Environment rules.

#### Traffic

- g. If any activity generates more than 200 vehicle movements in any 24 hour period the entrance of its vehicle access onto the public road is in accordance with the following standards, in addition to the general requirements set out in Chapter 47 and Appendix 6:
  - (i) The access leads onto a public road with a sealed carriageway at least 7.0 metres wide; and
  - (ii) All vehicle manoeuvring occurs within the site; and
  - (iii) The entrance is designed to accommodate turns (entries and exits) by “B-trains” or larger vehicles such that:
    - There is a minimum 0.5 metre clearance to any obstructions near the entrance; and
    - At all times during the turn, the vehicle’s wheels remain on paved surfaces and do not cross the centreline of either the access or the public road; and
  - (iv) There is a right-turn bay and left-turn deceleration lane for vehicles turning into the entrance, both of which provide complete separation of turning and non-turning vehicles



# MPC.E

## Marsden Primary Centre – Town Centre South and Industry Environments – Specific Effects Thresholds

and which are in accordance with the “minimum” standards in the Land Transport Safety Authority and Transit New Zealand’s Manual of Traffic Signs and Markings; and

- (v) There is a throat island at the crossing entrance, both ends of which are lit at night to a minimum illumination of 10 lux and have signs in place in accordance with the manual of Traffic Signs and Markings.

### Signage

- h. The construction and placement of a sign(s) which is not visible from a public place or neighbouring property(s).
- i. The construction or placement of a sign which is visible from a public place or neighbouring property(s) if:
  - i. The sign is required under health and safety legislation; or
  - ii. The sign is erected by a road traffic authority for the purposes of traffic control or public safety and it is located within the legal road reserve; or
  - iii. The sign does not obscure any official signs or traffic signals; and
  - iv. The sign is static, and not flashing;
  - v. If illuminated, the added illuminance (horizontal or vertical) onto any other site measured at the boundary does not exceed 10 lux at any receiving property boundary or 15 lux at any road reserve boundary; and
  - vi. If illuminated, the sign is not within 20.0m of any road intersection; and
  - vii. Where the road limit has a speed limit of 70 kph or greater, the sign is located so as to provide an unrestricted view to the motorist for a minimum distance of 250.0m.
- j. In the Town Centre South Environment (Commercial Policy Area), Industry Environment (~~Residential Compatible~~Mixed Use 1 and ~~Light Industry~~Mixed Use 2 Policy Areas) the construction and placement of a sign where:
  - i. The sign relates to goods and services available on site; or is a property name sign; or is a community sign; and
  - ii. No more than 5 signs are displayed per site; and
  - iii. A free standing sign is no higher than 4.0m; and
  - iv. The total area of all signs is no greater than;
    - a) 3.0m<sup>2</sup> on sites with frontage less than 25.0m; and
    - b) 0.12m<sup>2</sup> per metre of frontage to a maximum area of 6.0m<sup>2</sup> on sites with a frontage greater than 25.0m.
  - v. As an alternative to i (iii – vi) and j (i – iii) above, signs complying with the conditions set out in Appendix 12; and
  - vi. Where separate activities on rear sites share an access way, a sign situated where the access way adjoins the road may include information relating to some or all of the activities located on sites served by the access way.
- k. In the Town Centre South Environment (Residential Policy Area) the construction and placement of a sign where:

# MPC.E

## Marsden Primary Centre – Town Centre South and Industry Environments – Specific Effects Thresholds

- i. The sign relates to goods and services available on site; or is a property name sign; or is a community sign;
- ii. No more than 1 sign is displayed per site;
- iii. The sign is no higher than 2.0m; and
- iii. The sign is no larger than 1.0m<sup>2</sup>.

*Note:*

- 1. *Signs within the legal road boundary, or on road verges and road reserves are regulated by Council Bylaws.*
- 2. *Temporary signs, and signs on vehicles are regulated by Council Bylaws.*
- 3. *Signs located in public places are regulated by Council Bylaws.*

### Fences

- I. Fences within 4.5m of the road boundary are no higher than 3.0m.

### Artificial Lighting

- m. Artificial lighting is:
  - (a) Required under health and safety legislation; or
  - (b) A street light, navigation light, or traffic signal; or
  - (c) The following standards are complied with:
    - i. The added illuminance onto any other site measured at the boundary does not exceed 10 lux at any receiving property boundary, or 15 lux at any road reserve boundary; and
    - ii. The artificial light is shielded in such a manner that light emitted by the fixture is projected below a horizontal plane running through the lowest point on the fixture; and
    - iii. The lower edge of the shield, as required by ii) above, is to be at or below the centreline of the light source.
- n. The light is static, and is not flashing; and
- o. The artificial lighting does comply with AS/NZS 1158/1996.

*Notes:*

- 1. *If the object or device that contains Artificial Lighting is a sign, then Appendix 12 Signs in the District Plan is solely applicable.*
- 2. *See Appendix 12 for illustration of c) (ii) and (iii) above.*

### Construction Noise

- p. *(Deleted – refer to Noise and Vibration Chapter)*

# MPC.E

## Marsden Primary Centre – Town Centre South and Industry Environments – Specific Effects Thresholds

q. *(Deleted – refer to Noise and Vibration Chapter)*

### Vibration

r. *(Deleted – refer to Noise and Vibration Chapter)*

### Electromagnetic Radiation

s. Activity exposures shall comply with NZS 2772.1:1999, Radio Frequency Fields Part 1: Maximum Exposure Levels 3 kHz – 300 GHz.

### Outdoor Storage

- t. Outdoor areas of storage or stockpiles of materials or equipment shall comply with the relevant Precinct and Overlay building height, setbacks and daylight angle rules or are contained or maintained to prevent the dispersal of dust or airborne contaminants beyond the site;
- u. Materials are stored in a way that avoids providing a food source for vermin; and
- v. The best practicable option is adopted to prevent or minimise contaminants from stockpiles entering watercourses or water bodies.

### Aerials and/or aerial support structures

- w. Any aerial or aerial support structure shall not exceed a diameter of 2.4m or a height of 39.0m.
- x. Any aerials and/or aerial support structures shall comply with the relevant building setback and daylight angle requirements for the Environment, Precinct and / or Policy Area in which they are located; and
- y. Any dish antenna located on a site of any listed Heritage Building or Object is not visible from any public place.

### Inundation

z. Buildings and structures shall have a minimum floor level of 2.5m above One Tree Point Datum Mean Sea Level 1964.

### Hazardous Substances

- aa. The use, storage or on-site movement of hazardous substances:
  - (a) Shall comply with the conditions for permitted activities in Appendix 8; and/or
  - (b) The movement of hazardous substances between sites conducted by means of an underground pipeline.

### Offensive Trade

- bb. An activity that is classified as an offensive trade in the Health Act 1956 shall comply with the Act's requirements.

# Marsden Primary Centre – Precinct Plans

## 1. Town Centre Precinct Plan

The Town Centre South Precinct Plan in **PART A** specifies the spatial location, configuration and orientation of:

- (a) Buildings and land uses;
- (b) Sites;
- (c) Roads;
- (d) Open space network; specifically: locations, dimensions and area of public open space, open space connections including specific open space proposals near the Main Street; and
- (e) Major parking areas.

The Town Centre South Precinct Standards in **PART B** specify details of the:

- (a) Design standards for streetscapes (including furniture, bollards, lighting poles etc);
- (b) Road cross sections for collector and local roads, including specific car parking provision (shared, common or public); and
- (c) Residential development standards.

# MPC.F

## Marsden Primary Centre – Precinct Plans

### PART A: Precinct 1 Plan



# Marsden Primary Centre – Precinct Plans

## PART B: Precinct 1 - Standards

### Mainstreet

#### Street Configuration

- (a) The road identified as “Mainstreet” on the Precinct Plan shall be constructed in accordance with the dimensions and treatments shown in Diagram 1 in Attachment 1.

#### Frontage Control: Mainstreet

- (b) The following specific building design and location requirements applying to any site fronting the street identified as “Mainstreet” in the Precinct Plan:

#### Bulk and location

- (i) Buildings:
- Shall be built to the street boundary;
  - Shall extend over the full width of the site frontage to the street except for a single access with a maximum width of 6m but only where access is otherwise unavailable from a rear street or service lane;
  - Shall have a minimum façade height of 7m; provided that where a building facade does not abut another facade on the same or an adjoining site of at least the same height, it shall include a side wall that is no less than 6m long

*Note: a building need not be more than a single story under this rule.*

- (ii) A building shall not protrude through a line drawn from the middle of Main Street at an angle of 600, measured from ground level over the full depth of the site.

#### Verandahs

- (iii) Verandahs shall:
- Be constructed or maintained along the entire site frontage of sites (excluding vehicle access);
  - Form a continuous line of shelter with adjacent verandahs;
  - Have a clearance above the footpath of at least 3.0m and no more than 4.0m;
  - Have a minimum width of 3.0m and be no less than 600mm from the kerb;
  - The required verandahs, in terms of this rule, are exempt from the building Bulk and Location controls in (b) above.

#### Building Facades

- (iv) Building façades on the street zero lot line boundary shall:
- Have a varied treatment so that no part of a wall exceeds a maximum length of 6m without articulation and/or a variation of materials;
  - Have a minimum of 50 % permeable glazing;
  - Not contain any loading bays, docks or car park entrances.

#### Parking and access

- (c) Unimpeded vehicle connection and circulation shall be provided between all parking areas on adjoining sites.



# Marsden Primary Centre – Precinct Plans

## Special Entranceway Treatment

- (d) The sites identified with a “Special Entranceway Treatment” notation in the Precinct Plan have the following specific building design and location requirements to ensure a visual gateway to the street:
  - (i) Special Entranceway Treatment “A”.
    - a. All buildings on sites notated as “Special Entranceway Treatment A” shall comply with the following:
      - i. Building facades facing the street shall:
        - Have a varied treatment so that no part of a wall exceeds a maximum length of 10m without articulation and/or a variation of materials;
        - Have a minimum of 30% of the faced area in permeable glazing;
        - Not contain any loading bays or docks, or outdoor storage areas.
      - ii. Buildings shall have a minimum height of 7 m for a distance from the corner of the building of at least 20m along both road / street frontages.
  - (ii) Special Entranceway Treatment “B” and “C”
    - a. All buildings on sites notated as “Special Entranceway Treatment A or B” shall be a minimum of three stories for a distance of at least 20m along both road / street frontages.

## Residential

### Street Configurations

- (a) The residential roads and streets shall be constructed in accordance with the dimensions and treatments shown in Diagrams 2, 3 and 4 in Attachment 1.

### Residential Unit Numbers

- (a) Residential units in the Commercial Policy Area shall not:
  - (i) Exceed a combined maximum of 150 units as specified in the Spatial Budget in Appendix G;
  - (ii) Be located above ground level except for entrance foyers containing reception areas and stairs or lifts to above ground units.
- (b) Residential Units in the Town Centre South - Residential Policy Area identified as Medium or Low Density Housing shall not exceed a combined maximum of 250 units as specified in the Spatial Budget in Section G.

### Residential Typologies

- (c) Residential units shall be constructed and located on a site in accordance with the specified typologies in Diagrams 5 and 6 in Attachment 1 for Medium and Low Density Housing identified in the Precinct 1 Plan.

### Maximum Height

- (d) All buildings shall comply with the following building height controls:
  - (i) Residential Policy Area identified as Medium or Low Density Housing: no building shall exceed two stories in height.
  - (ii) In all other areas of the Residential Policy Area: no building shall exceed six stories in height.

# Marsden Primary Centre – Precinct Plans

Height to Boundary

- (a) All buildings shall comply with the following building daylight controls:
  - (i) Unless otherwise permitted by the specified typologies, the Daylight Angles in Appendix 11 – Daylight Angles in the District Plan apply to any boundary adjoining a site within the Residential Policy Area;
  - (ii) All other site boundaries; including any front boundary: no control applies.

## 2. *INDUSTRY PRECINCT PLAN*

The Industry Precinct Plan in **PART A** specifies the location, configuration and orientation of:

- (a) Sites;
- (b) Roads;
- (c) Retail and commercial services node locations.

The Industry Precinct Standards in **PART B** specifies details of the:

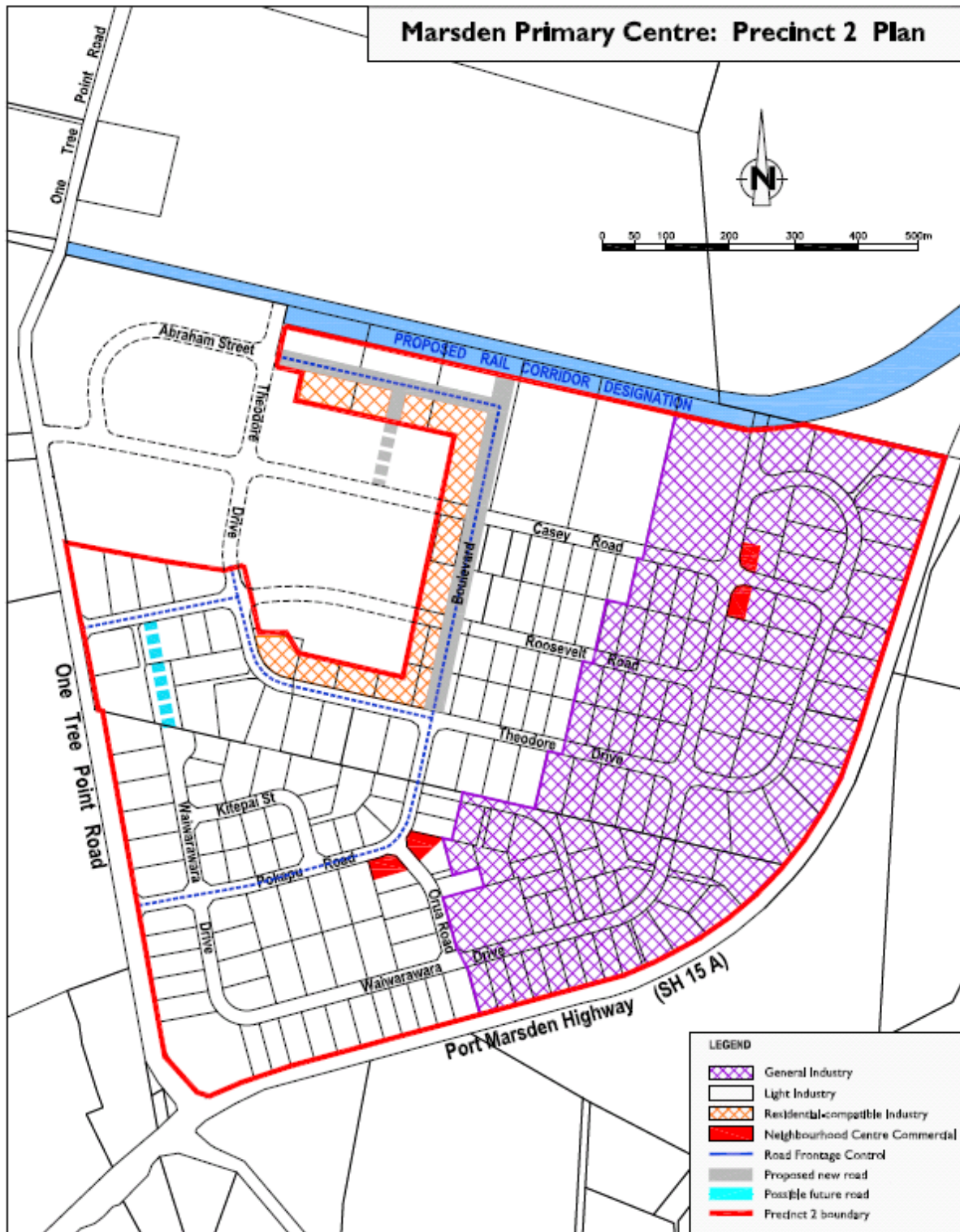
- (a) Building location and landscaping fronting One Tree Point Road, Port Marsden Highway, the Boulevard, and the Rail Line;
- (b) Maximum building height;
- (c) Landscaping standards for streets.



# MPC.F

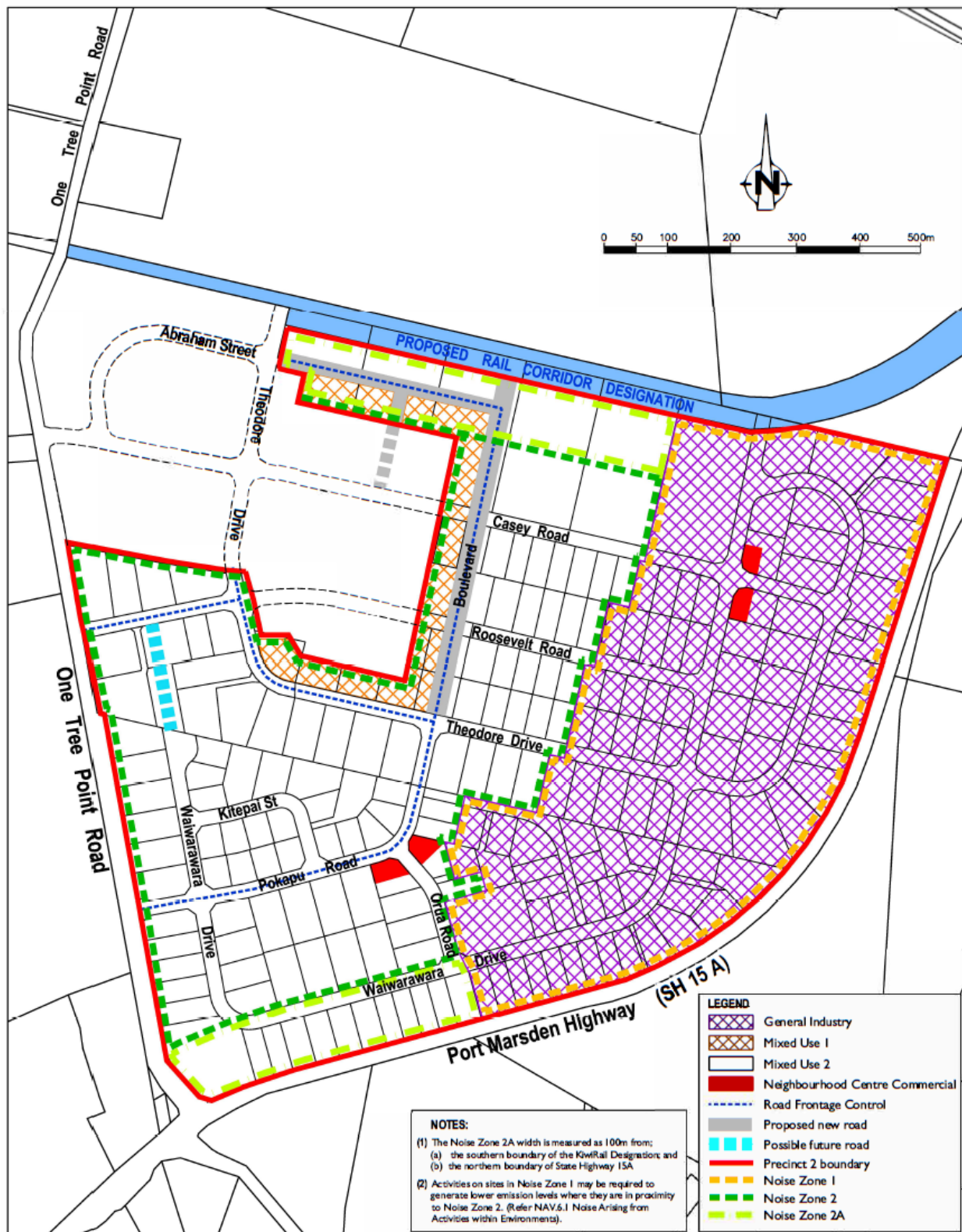
## Marsden Primary Centre – Precinct Plans

### PART A: Precinct 2 Plan



**MPC.F**

# Marsden Primary Centre – Precinct Plans



# Marsden Primary Centre – Precinct Plans

## ***PART B: Precinct 2 - Standards***

### Road Configuration

- (a) The road labeled as “Boulevard” shall be constructed in accordance with the dimensions and treatments shown in Diagrams 7 and 8 in Attachment 1.

### Road Frontage

- (b) Sites fronting the One Tree Point Road and Port Marsden Highway shall comply with the following restrictions:
  - (i) No direct vehicle access to One Tree Point Road or Port Marsden Highway;
  - (ii) All sites shall have a minimum planted landscape strip along the One Tree Point or Port Marsden Highway road frontage comprising a solid screen of trees a minimum of 2m in height. Planting shall be undertaken within 6 months of the completion of the building.
- (c) Sites identified with the Frontage Control shall comply with the following restrictions:
  - (i) A maximum front yard building setback from the street boundary of 20m;
  - (ii) The front boundary or yard shall not be occupied by any fence higher than 1.2m.
- (d) All sites shall have a minimum 2 metre wide planted landscape strip along a road boundary excluding site access, and shall be planted within 6 months of the completion of the building.
- (e) Except for in the General Industry area shown in the Precinct 2 Plan, no part of any front yard provided, or any part of a site within 20m of the street boundary of a site, shall be used for the external storage of products, goods, waste or recycled materials, excluding visitor or employee vehicle parking.

### Minimum Building Setbacks

- (f) Buildings shall meet the following minimum setback from boundaries:
  - (i) 6m from any boundary abutting a site in the Town Centre South Environment - Residential Policy Area.
  - (ii) 3m from any boundary abutting a site in the Town Centre South Environment - Commercial Policy Area.
  - (iii) In all other cases no minimum setback other than where required to accommodate the landscape strip required by (d) above.

### Maximum Height

- (g) Buildings are subject to the following height controls:
  - (i) All buildings shall comply with the following building height controls:
    - a. In the ~~Residential-Compatible~~Mixed Use 1 Industry Policy Area no part of any building shall exceed 9m in height.
    - b. In the ~~Light Industry~~Mixed Use 2 Policy Area no part of any building shall exceed 15 m in height.
    - c. In all other areas of the Industry Environment, no part of the building shall exceed 20.0m in height; except where:
      - i. No part of the building exceeds a height of 35.0m; and
      - ii. No more than 25% of the net site area of the site is occupied by buildings that exceed 20.0m in height.

# MPC.F

## Marsden Primary Centre – Precinct Plans

### Height to Boundary

- (h) All buildings shall comply with the following building daylight controls:
  - (i) The Daylight Angles in Appendix 11 – Daylight Angles apply to any boundary adjoining a site within the:
    - a. ~~Residential Compatible Industry~~Mixed Use 1 Policy Area - Industry Environment;
    - b. Neighbourhood Centre Commercial Policy Area – Industry Environment.
  - (ii) All other site boundaries; including any front boundary: no control applies.

### Minimum and maximum business premise and site sizes

- (i) All buildings, activities and subdivision shall comply with the following minimum and maximum building and site size controls (where there is no restriction or limit, no control applies) relating to the specified areas in the Precinct 2 Plan:
  - (i) General and ~~Light Industry~~Mixed Use 2
    - a. Minimum site size: 1,000 m<sup>2</sup>
  - (ii) ~~Residential Compatible Industry~~Mixed Use 1
    - a. Site size
      - i. Minimum site size: 500m<sup>2</sup> or no minimum where the site accommodates an existing unit
    - b. Maximum site coverage
      - i. Single unit/tenancy: 500m<sup>2</sup>
      - ii. Multiple tenancies: 250m<sup>2</sup> for each unit
  - (iii) Neighbourhood Centre Commercial
    - a. Site size
      - i. Minimum site size: 500m<sup>2</sup> or no minimum where the site accommodates an existing unit
    - b. Maximum site coverage
      - i. Single unit / tenancy: 200m<sup>2</sup>
      - ii. Multiple tenancies: one of 200m<sup>2</sup>, other units 100m<sup>2</sup> per unit

### Building width to street frontage

- (j) All business premises shall comply with the following street frontage maximum building width controls:
  - (i) ~~Residential Compatible Industry~~Mixed Use 1
    - a. Single unit / tenancy: 15m
    - b. Multiple tenancies: 10m per unit / tenancy
  - (ii) Neighbourhood Centre Commercial
    - a. Single unit / tenancy: 15m
    - b. Multiple tenancies: 10m per unit / tenancy

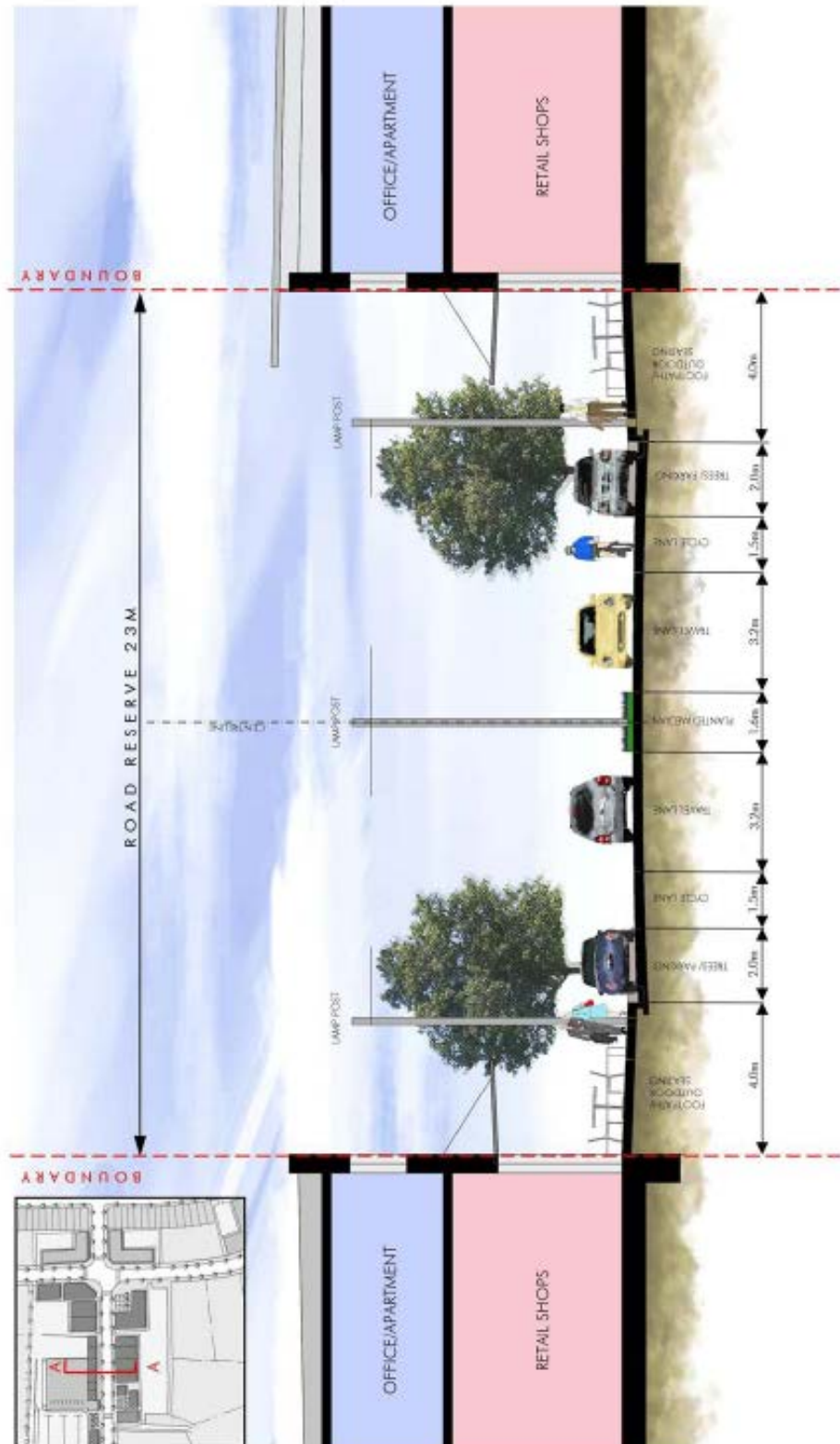


**MPC.F**

# Marsden Primary Centre – Precinct Plans

ATTACHMENT 1

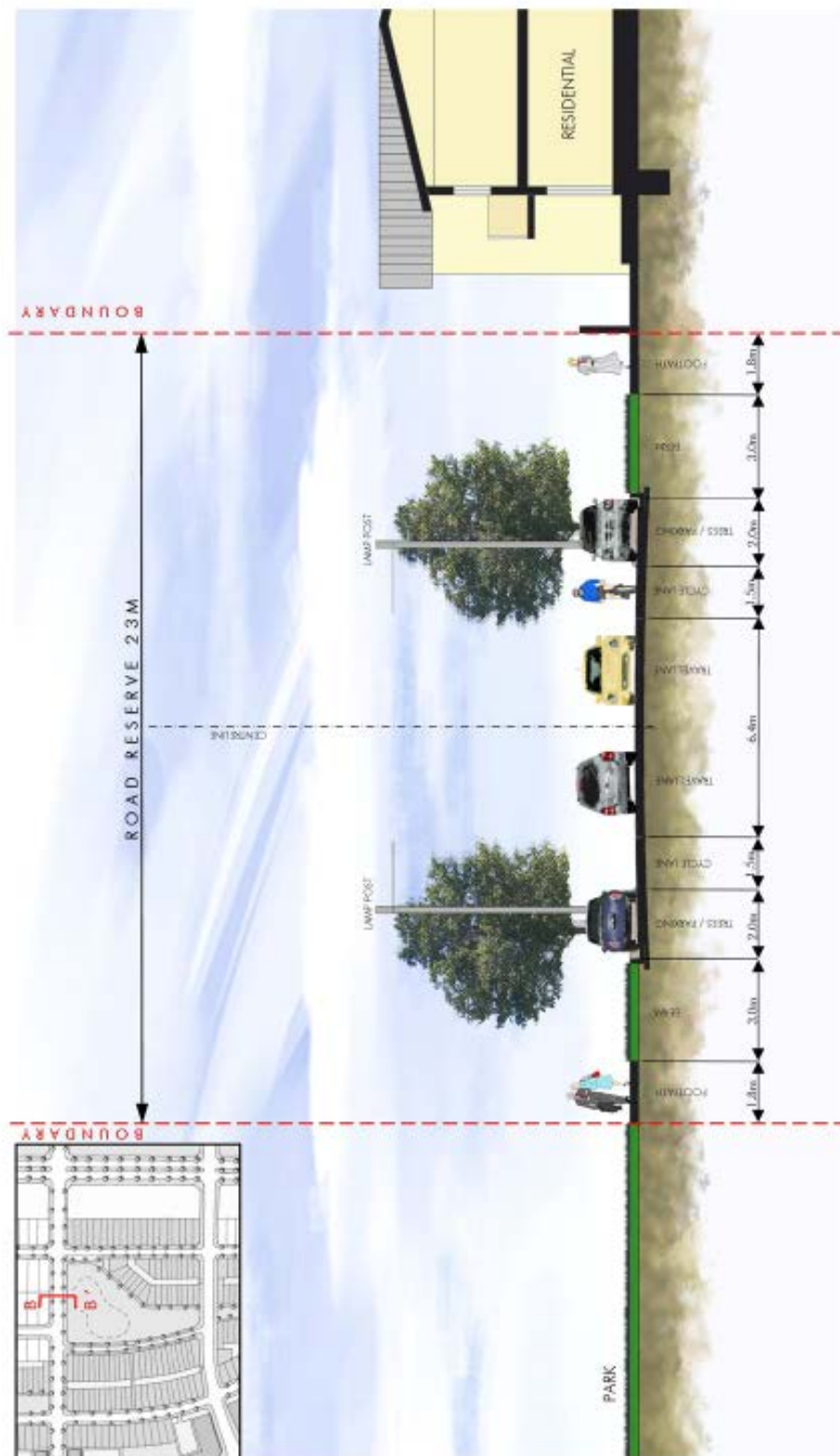
Marsden Primary Centre: Precinct 1: Diagram 1



**MPC.F**

# Marsden Primary Centre – Precinct Plans

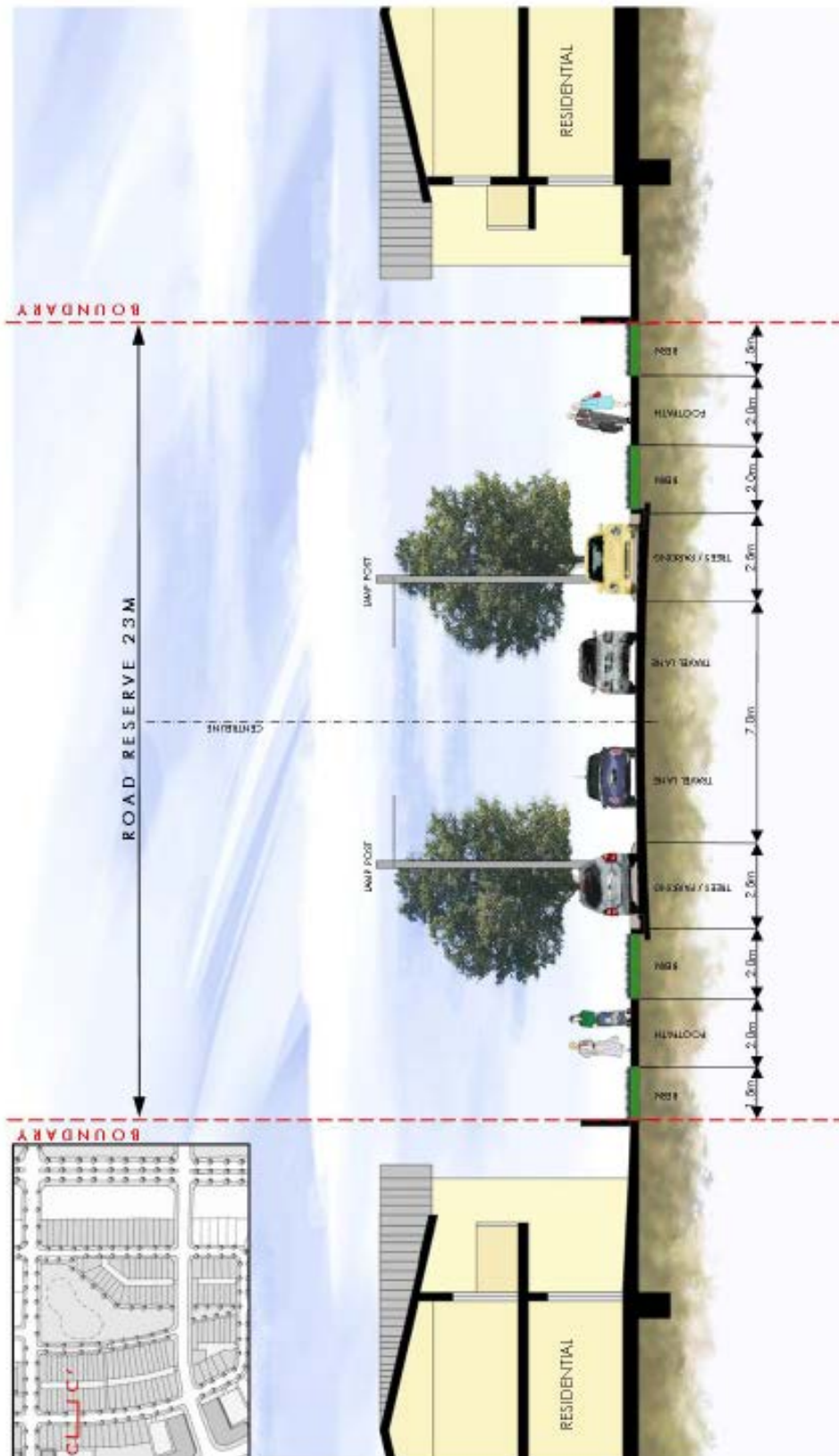
Marsden Primary Centre: Precinct 1: Diagram 2



**MPC.F**

# Marsden Primary Centre – Precinct Plans

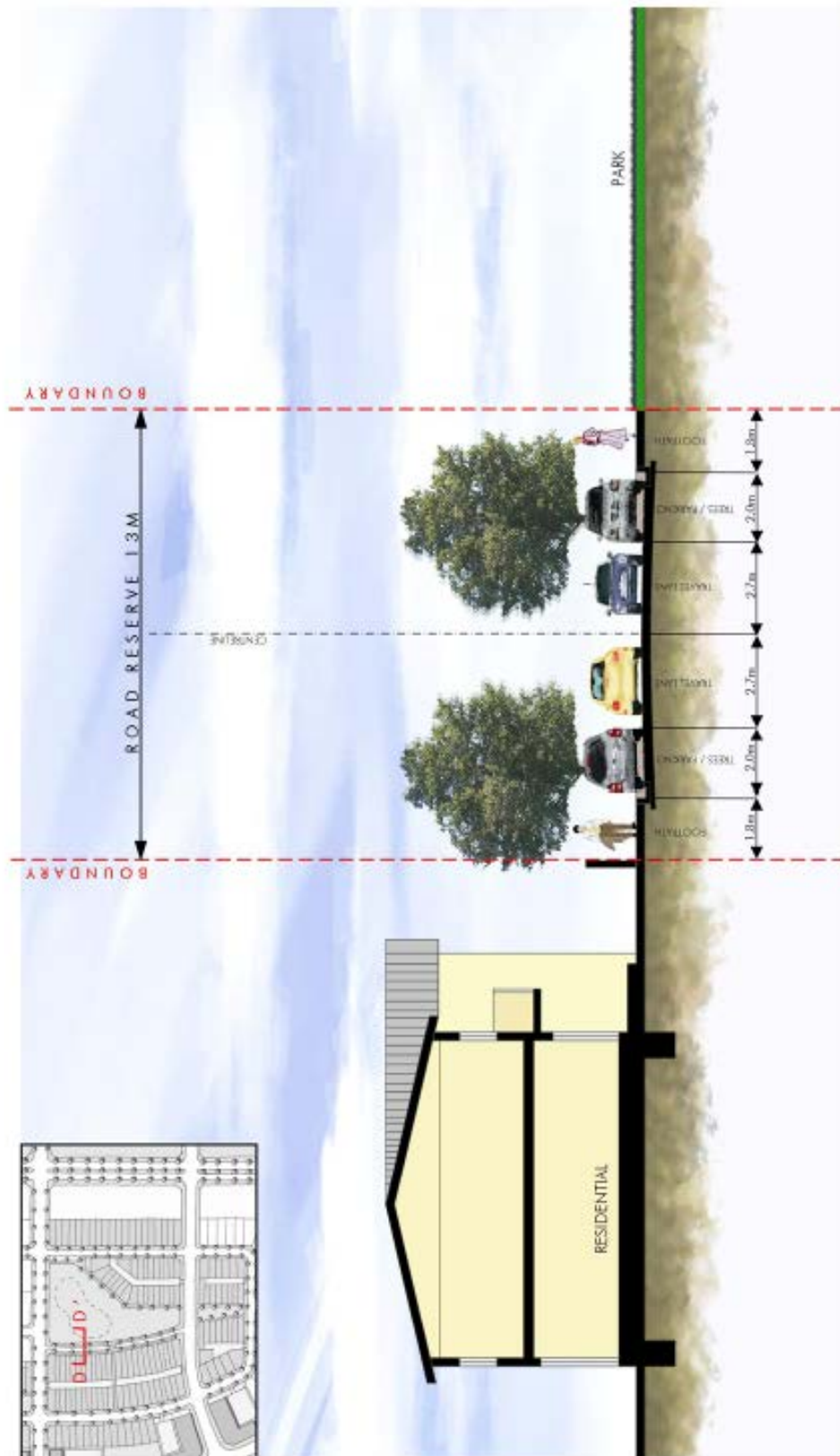
Marsden Primary Centre: Precinct 1: Diagram 3



**MPC.F**

# Marsden Primary Centre – Precinct Plans

Marsden Primary Centre: Precinct 1: Diagram 4





# MPC.F

## Marsden Primary Centre – Precinct Plans

### Marsden Primary Centre: Precinct 1

#### Diagram 5: Higher density housing typology

- 2 Storey (3 bedroom, 2 bathroom, single garage)



# Marsden Primary Centre – Precinct Plans

## Marsden Primary Centre: Precinct 1

### Diagram 6: Lower density housing typology

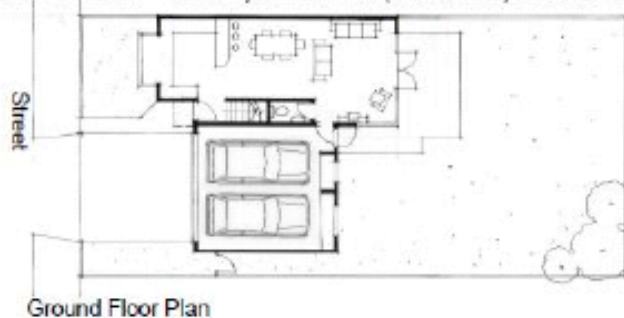
#### TPOLOGY E&F SUITABLE ON RESIDENTIAL LOTS:

- 10m X 25m (250 sqm)
- 10m X 30m (300 sqm)
- 12m X 25m (300 sqm)

#### TPOLOGY E - Single Storey House (3 bedroom, 1 bathroom, double garage )



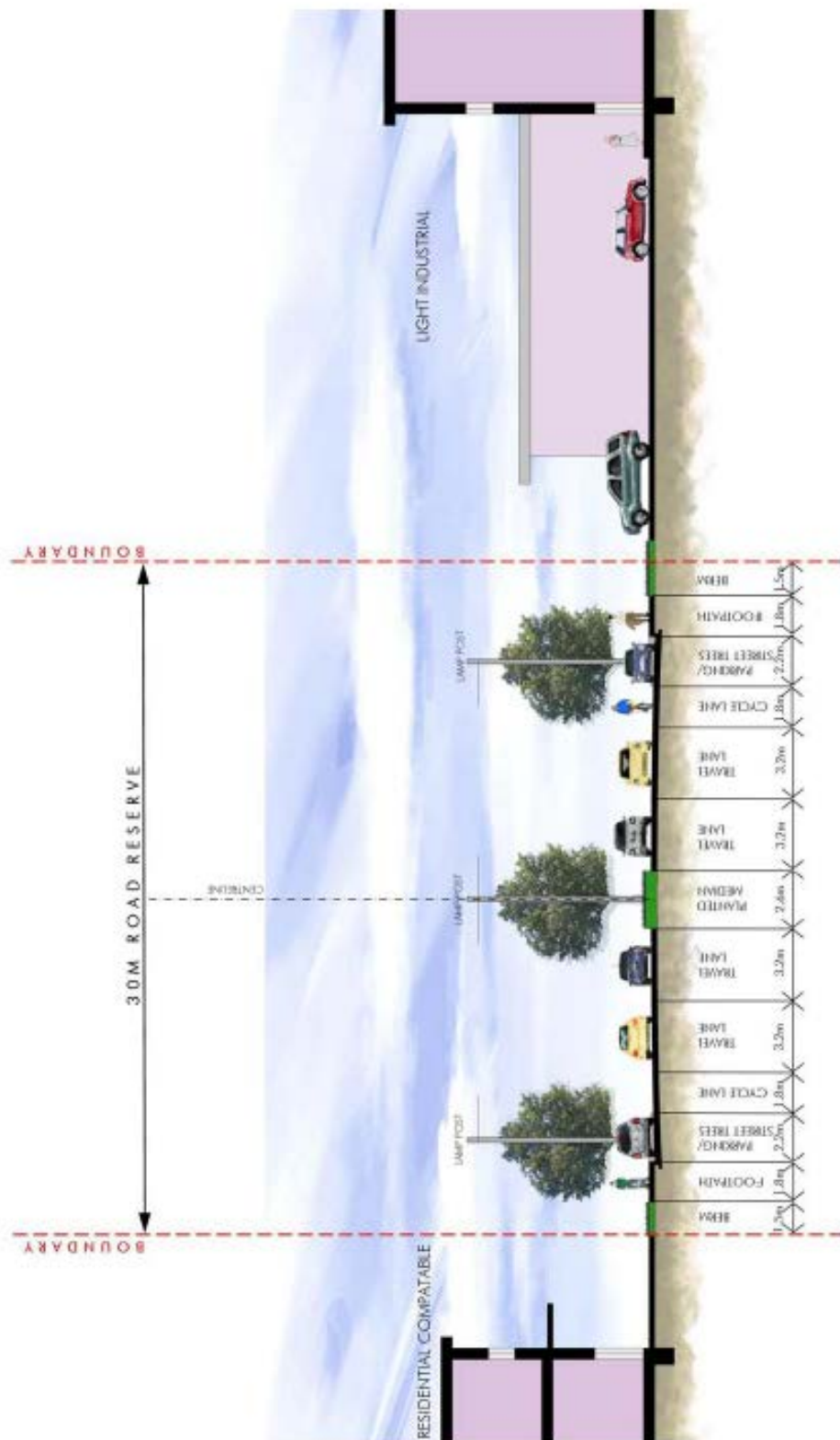
#### TPOLOGY F - 2 Storey Townhouse (3 bedroom, 2 bathroom, double garage )



**MPC.F**

# Marsden Primary Centre – Precinct Plans

Marsden Primary Centre: Precinct 1: Diagram 7



# Marsden Primary Centre – Precinct Plans

**MPC.F**

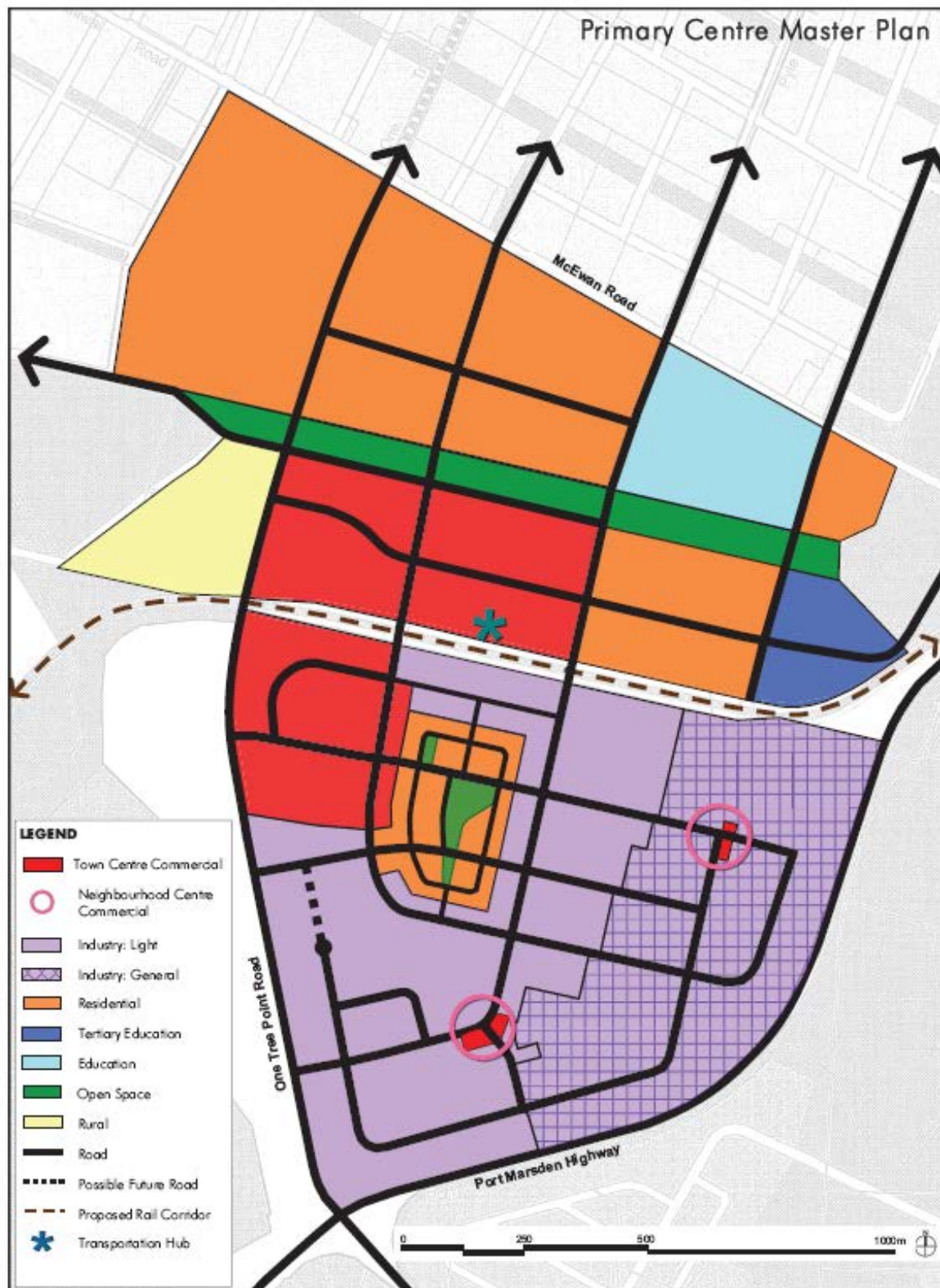
# Marsden Primary Centre – Precinct Plans

(G)	MARSDEN PRIMARY CENTRE:	ATTACHMENTS
	<ul style="list-style-type: none"><li>• Masterplan</li><li>• Precincts Plan</li><li>• Spatial Budget</li></ul>	



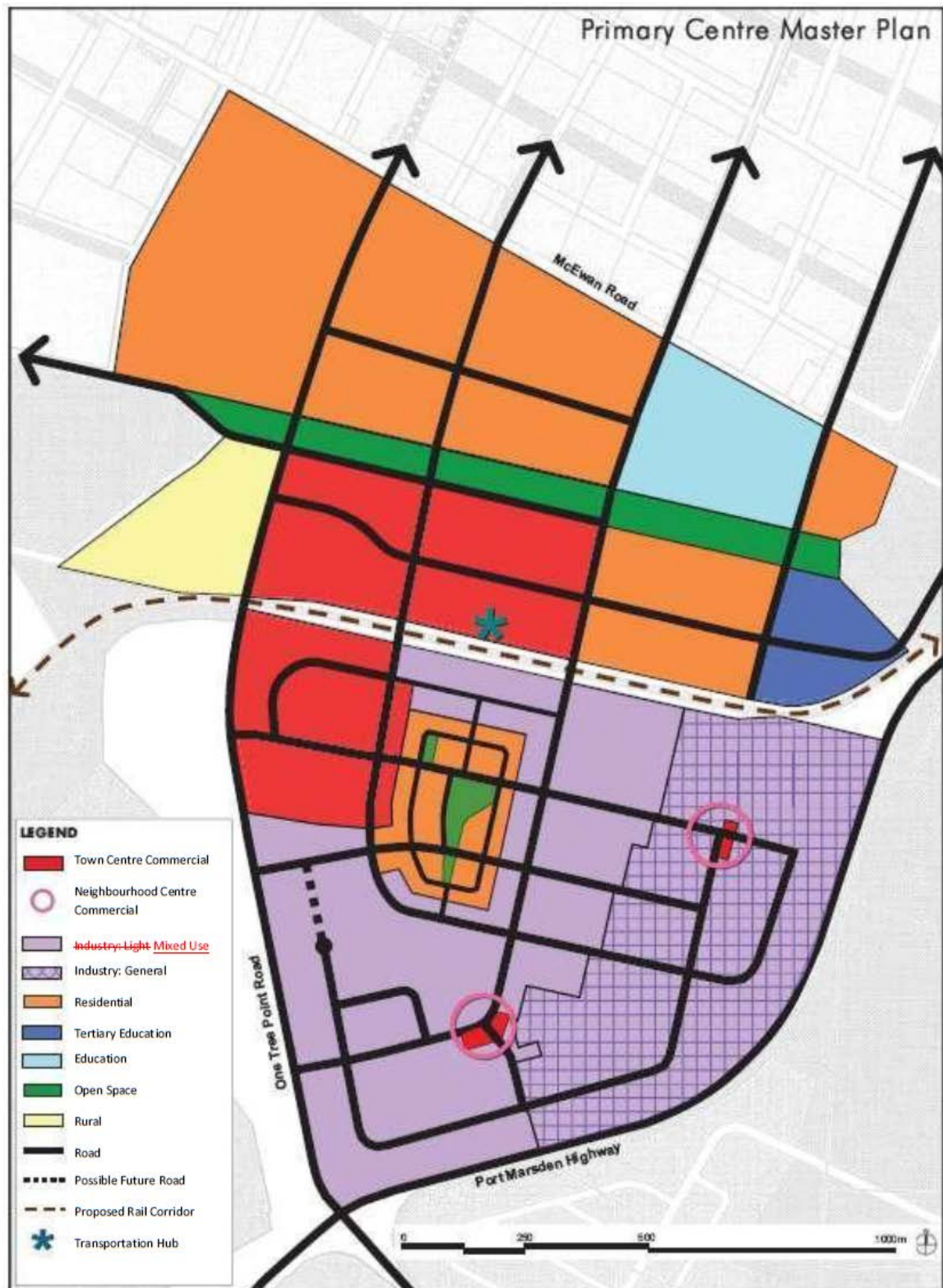
# MPC.F

## Marsden Primary Centre – Precinct Plans



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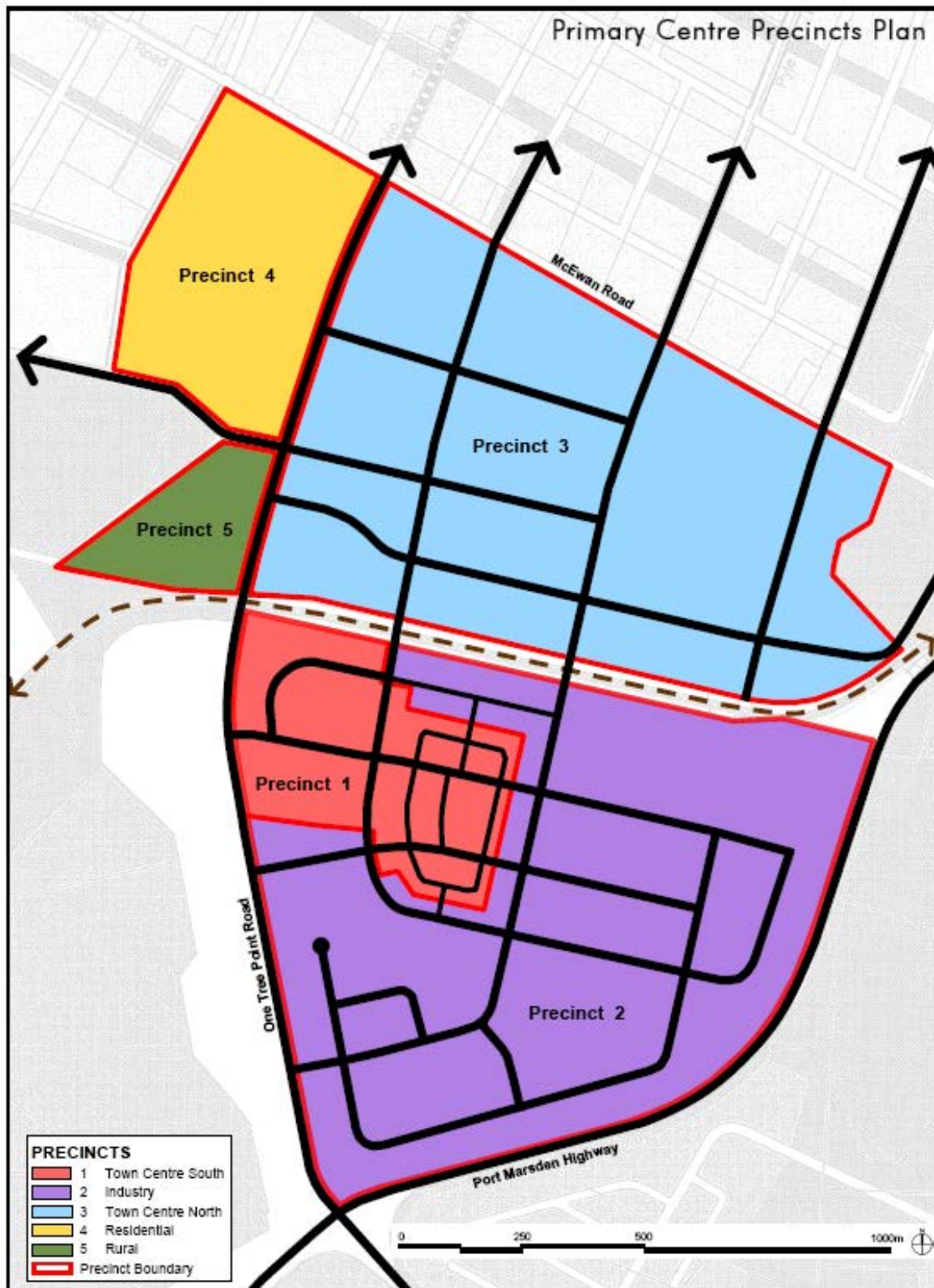
## Marsden Primary Centre – Precinct Plans





**MPC.F**

# Marsden Primary Centre – Precinct Plans





# Marsden Primary Centre – Precinct Plans

**Marsden Primary Centre: Master Plan Spatial Budget**

Precinct	Retail + N-R Commercial	Retail	Non-Retail Commercial	Industry	Residential	Education	Transport	Mass Green Space	Community	Rural
	ha	m <sup>2</sup> gfa	m <sup>2</sup> gfa	ha	ha	du's	ha	ha	ha	ha
Precinct 1 Town Centre South	16	20,000	22,000		9	400 <sup>*1</sup>		5		
Precinct 2 Industry		750	1,500	105						
Precinct 3 Town Centre North	20	39,250	58,500		48	1,280 <sup>*2</sup>	19	9	4	
Precinct 4 Residential					26	500		1		
Precinct 5 Rural										9
TOTAL m <sup>2</sup> gfa		60,000	82,000							
TOTAL du's				105	83	2,180	19			
TOTAL gross ha	36						1	15	4	9

\*1 Including 150 residential units above ground level in the identified "Town Centre Commercial" area

\*2 Including 400 residential units above ground level in the identified "Town Centre Commercial" area

**MPC.F**

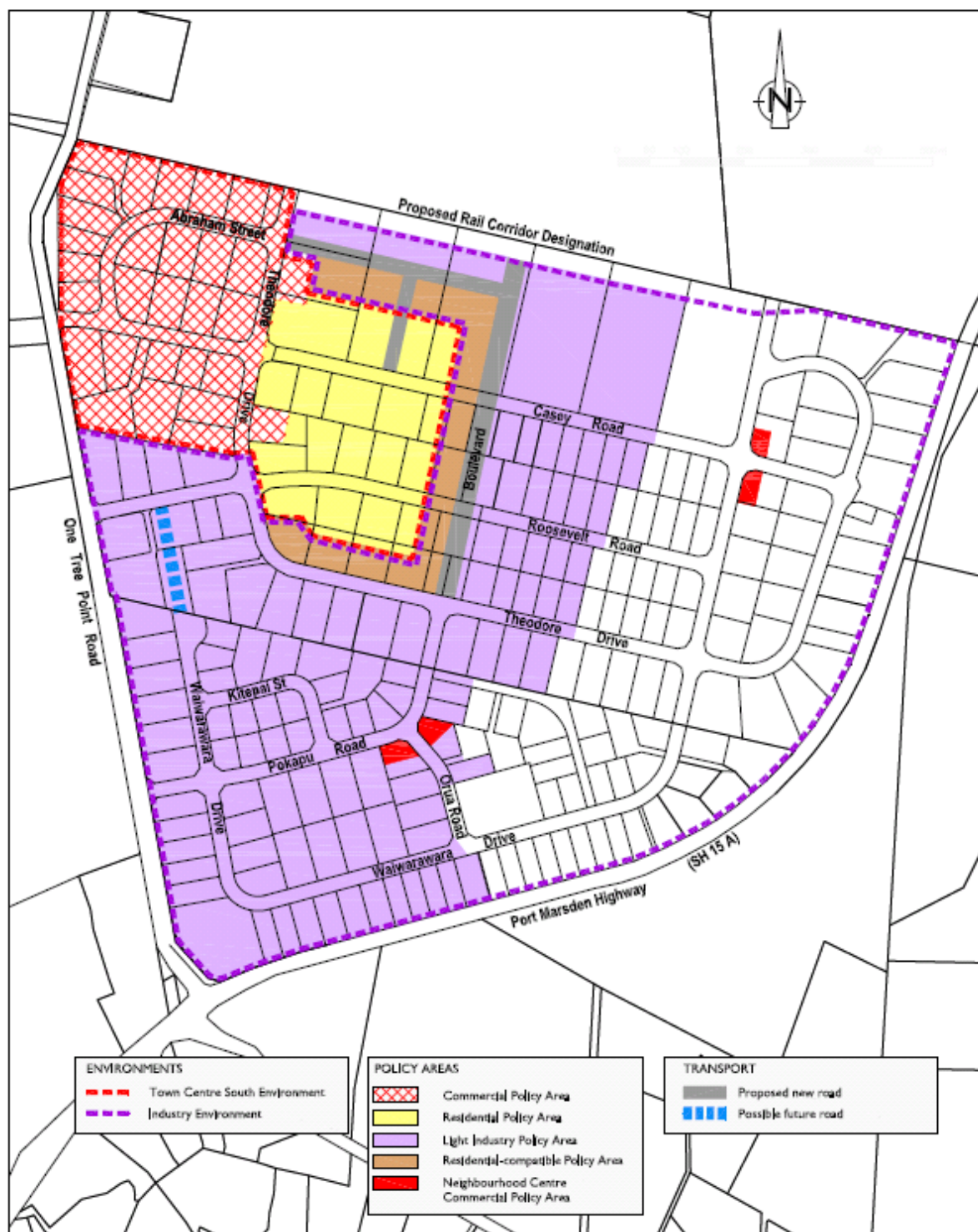
# Marsden Primary Centre – Precinct Plans

MARSDEN PRIMARY CENTRE

PROPOSED CHANGES TO THE  
DISTRICT PLAN'S ENVIRONMENT MAPS

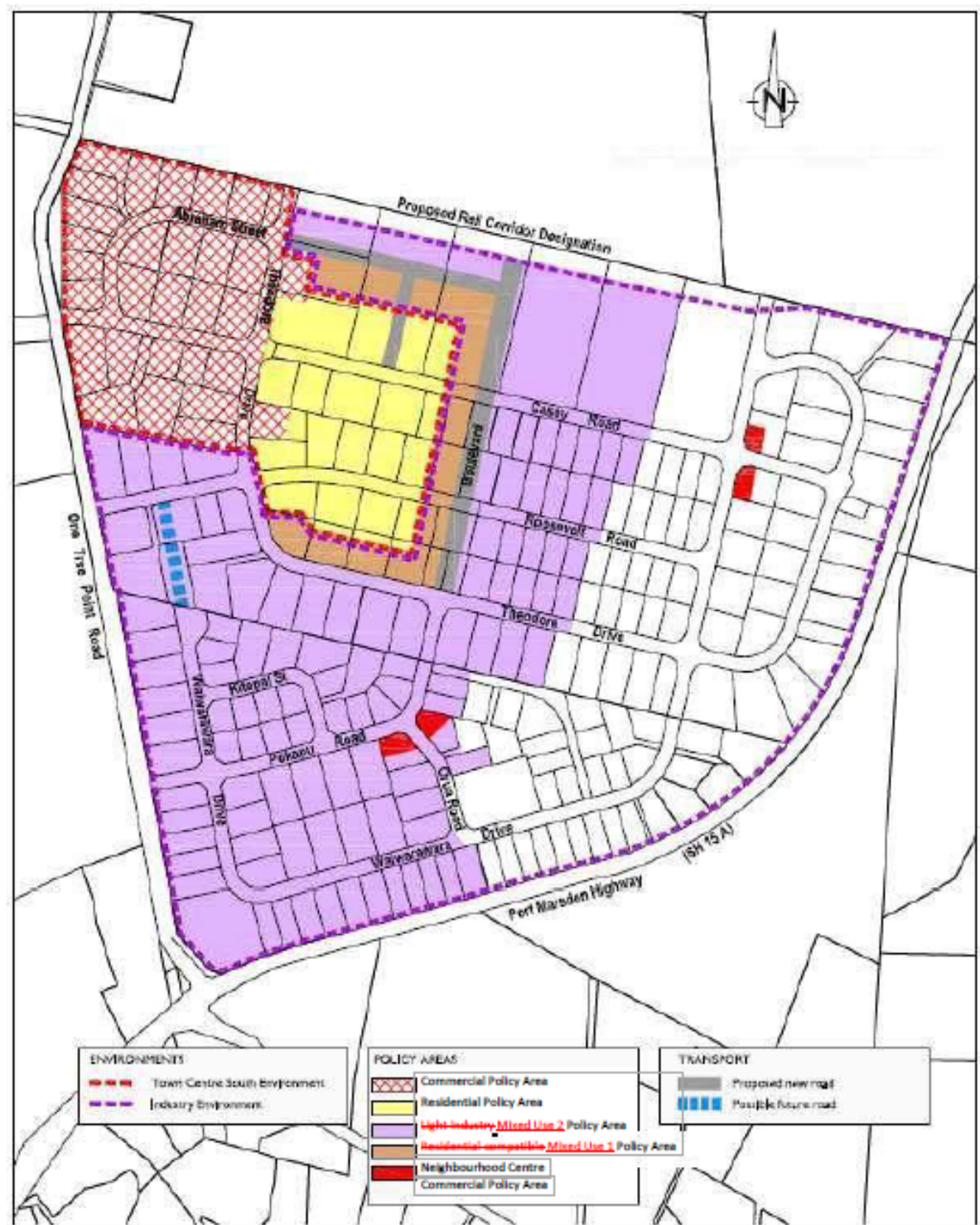
# Marsden Primary Centre – Precinct Plans

## Marsden Primary Centre Town Centre South and Industry Environments Plan



# MPC.F

## Marsden Primary Centre – Precinct Plans





# Noise and Vibration

## Index

### NAV Noise & Vibration

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NAV.2	<i>Eligibility</i>
NAV.3	<i>Objectives</i>
NAV.4	<i>Policies</i>
NAV.5	<i>Noise Measurement &amp; Assessment</i>
NAV.6	<i>Permitted Activities</i>
NAV.6.1	<i>Noise Arising from Activities within Environments</i>
NAV.6.2	<i>Construction Noise</i>
NAV.6.3	<i>Wind Turbines</i>
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NAV.7	<i>Discretionary Activity</i>

## NAV.1 Description and Expectations

Noise has the potential to cause adverse effects, depending on a number of factors including frequency, timing, volume and the type of noise. Disturbance of sleep is often the greatest complaint in relation to noise, however other adverse effects include general nuisance, psychological and chronic health effects, interference with speech communication and interference with learning processes, thinking and education.

Excessive noise can detract from the character and amenity values associated with the local environment. Noise generating activities can also be restricted by noise 'sensitive' activities in proximity that seek a higher level of amenity (reverse sensitivity). In an urban sense noise is a significant issue (especially at night) in mixed use zones and in 'interface' areas where noise sensitive activities (e.g. residential uses) are located in close proximity to high noise emitting land uses (e.g. bars and panel beaters).

The Resource Management Act 1991 (RMA) addresses noise in two ways. First, under section 16 there is a duty on every occupier of land and every person carrying out an activity in, on, or under a water body or the coastal marine area to adopt the best practical option to not emit more than a reasonable level of noise. Section 16 of the Act states that a national environmental standard, plan or resource consent may prescribe noise emission standards. Section 16 therefore guides how district plans can address noise emissions.

The other way the RMA addresses noise is through the control of excessive noise. There are specific provisions in the Act to deal with excessive noise, which normally involves intermittent noise sources that require immediate attention, for example loud stereos associated with parties. The excessive noise provisions stand apart from district plan provisions.

Noise rules have been designed to provide an adequate level of protection from the potential effects of noise. The rules within this chapter provide certainty about the level of ambient sound permitted

# Noise and Vibration

during specific time frames within each Environment and acknowledge that there will be some noise associated with activities. The rules aim to strike a balance between the need for land to be used for its intended purpose while ensuring that other land users are not exposed to unreasonable levels of noise.

Permitted noise levels are set at a limit that is consistent with the character and amenity values anticipated in each Environment. Differing noise limits are established in interface areas between Environments to ensure that reasonable noise limits can be maintained. Reasonable noise limits are established for other activities such as, construction and demolition, airport operation, temporary military training, use of explosives, helicopter landing areas, shooting ranges and wind turbines.

In certain areas noise sensitive activities are restricted in order to ensure the unhindered and continued operation of high noise generating activities. In other areas the provision of acoustic insulation requirements for buildings containing noise sensitive activities in high noise environments will allow various activities to co-exist in Environments anticipating mixed use. Guidance from the most recent New Zealand Standards will ensure that noise levels are measured and analysed in accordance with international best practice.

Vibration is generally only a concern adjacent to construction or demolition projects; where there is operation of mechanical plant near or attached to buildings / structures; or in relation to explosives use and blasting. Accordingly vibration limits have been provided to ensure that vibration from construction, demolition, fixed mechanical plant and use of explosives and blasting does not exceed reasonable levels. For construction, demolition and fixed mechanical plant, a simplified approach has been taken whereby single velocity limits have been specified. This approach is considered to be the least complicated and will ensure the required level of amenity if maintained. For explosives use and blasting a more flexible approach has been adopted to achieve operational efficiency and to ensure the required level of amenity is maintained.

## NAV.2 Eligibility

The following provisions shall apply district wide in addition to any other provisions in this District Plan applicable to the same area or site.

## NAV.3 Objectives

1. To enable a mix of activities to occur across a range of Environments, while ensuring that noise and vibration is managed within appropriate levels for the health and wellbeing of people and communities, and for the amenity and character of the local environment.
2. To ensure that activities that seek a high level of acoustic and vibration amenity do not unduly compromise the ability of other lawful activities to operate.

## NAV.4 Policies

1. To establish reasonable noise and vibration limits and controls that enable appropriate activities to operate while maintaining the characteristic amenity values of each Environment.
2. To avoid reverse sensitivity effects by:
  - a. Requiring suitable acoustic design standards for noise sensitive activities located in or adjacent to areas anticipating high noise levels.
  - b. Restricting noise sensitive activities in Environments where they could unduly compromise the continuing operation of appropriate business activities.
  - c. Considering the use of other mechanisms, such as noise control boundaries, buffer areas or building setbacks, as appropriate tools to protect existing or future activities.

## Noise and Vibration

3. To ensure that high noise generating activities located in noise sensitive areas maintain the characteristic amenity values of each Environment by:
  - a. Establishing noise limits that are consistent with anticipated noise and vibration levels in each Environment.
  - b. Requiring high noise generating activities to provide suitable mitigation measures to maintain appropriate noise levels for the health and wellbeing of people and communities, and for the amenity and character of the local environment.
4. To avoid restricting primary production activities by providing provisions that acknowledge their seasonal characteristics, transitory periods of noisiness and the effects of reverse sensitivity.
5. To ensure that noise associated with activities in open spaces and on public recreational areas is appropriate to the amenity values anticipated in the surrounding environment.

### **NAV.5 Noise Measurement and Assessment**

Unless specified otherwise, noise shall be measured in accordance with New Zealand Standard NZS 6801:2008 *“Acoustics – Measurement of environmental sound”* and assessed in accordance with New Zealand Standard NZS6802:2008 *“Acoustics - Environmental Noise.”*

### **NAV.6 Permitted Activities**

Unless specifically stated otherwise, any activity shall be a permitted activity provided it complies with all of the noise standards given in the following section(s) NAV.6.1 – NAV.6.15 and all other relevant Environment and District Wide rules.

# Noise and Vibration

## NAV.6.1 Noise Arising from Activities within Environments

The following noise limits shall apply within and between Environments:

Noise emitted from any site in the following Environment	Noise measured within the applicable boundary of any of the following Environments (refer to following table for applicable assessment location)	Daytime 0700 to 2200 hours	Night-time 2200 to 0700 hours		Notes <sup>8,9</sup>
		dB L <sub>Aeq</sub>	dB L <sub>Aeq</sub>	dB L <sub>AFmax</sub>	
Business 2	Living 1, 2, 3 Open Space Coastal Countryside Urban Transition Countryside Kamo Low/Medium Density Living	55	45	75	
Business 4 Marsden Point Port	Living 1, 2, 3 Urban Transition Countryside	55	45	75	
All Environments other than: -Business 2 -Business 4 -Marsden Point Port	Living 1, 2, 3 Coastal Countryside Urban Transition Kamo Low/Medium Density Living	50	40	70	1, 2, 3
	Countryside Open Space	55	40	70	1, 2, 3
All Environments	Business 1 Town Basin	60	55	80	4, 5
	Business 2 Airport Bulk Format Retail	65	60	80	
	Business 3 Kamo Activity Precinct	60	50	75	
	Business 4 Marsden Point Port	75	75	-	
	Port Nikau and Marsden Primary Centre - Noise Zone 1	65	65	70	3
	Port Nikau and Marsden <del>Primary Centre -</del> Noise Zone 2	60	55	70	3
	<u>Marsden Primary Centre – Noise Zone 2 and Noise Zone 2A</u>	<u>55</u>	<u>45</u>	<u>70</u>	<u>3</u>
	Marsden Primary Centre - Town Centre	55	45	70	3
Mineral Extraction Areas	Any noise sensitive activity not owned or controlled by the quarry owner or operator	<b>Low noise Environment</b>			6, 7
		50	40	70	
		<b>High noise Environment</b>			
		55	45	75	



# Noise and Vibration

The above noise rules shall apply within the relevant boundary assessment location as set out below:

Site boundary	Notional Boundary
<ul style="list-style-type: none"> <li>• Living 1, 2</li> <li>• Kamo Low / Medium Density Living</li> <li>• Bulk Format Retail</li> <li>• Kamo Activity Precinct</li> <li>• Open Space</li> <li>• Business 1, 2, 3, 4</li> <li>• Town Basin</li> <li>• Airport</li> <li>• Marsden Point Port</li> <li>• Port Nikau - Noise Zone 1 and 2</li> <li>• Marsden Primary Centre - Noise Zone 1 and 2</li> <li>• Marsden Primary Centre - Town Centre</li> </ul>	<ul style="list-style-type: none"> <li>• Living 3</li> <li>• Coastal Countryside</li> <li>• Urban Transition</li> <li>• Countryside</li> <li>• Any noise sensitive activity not owned or controlled by the quarry owner or operator in a mineral extraction area</li> </ul>

1. Normal residential activity occurring in Living Environments such as children's play, spontaneous social activities, lawnmowing and home maintenance work undertaken by/for the occupier is excluded from compliance with the noise rules during the daytime provided such activity is reasonable in terms of duration and noise level and in the case of home maintenance does not exceed the rules for construction noise. This exclusion does not apply to non-residential land use within the Living Environments (such as childcare centres).
2. NAV. 6.1 shall not apply to mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Countryside, Coastal Countryside or Urban Transition Environments. Limited duration events are those activities normally associated with industry practice, of relatively short duration, and where no reasonable alternative is available. Any such activity shall be subject to Section 16 of the Resource Management Act.

"Limited duration activities" in this context include, but are not limited to:

- Spraying and harvesting of crops and/or weeds for horticultural or agricultural purposes e.g. topdressing or aerial spraying
- Primary forestry activities (not including milling or processing)

This exclusion does not apply to:

- static irrigation pumps;
- motorbikes that are being used for recreational purposes;

3. NAV.6.1 shall not apply if the activity under consideration is a mineral extraction activity included in the Appendix 14 Schedule of Existing Mineral Extraction Areas. Where this occurs the limits and stated timeframes in Appendix 14 shall apply.
4. Noise generated by temporary activities in the Town Basin Environment may exceed the noise rules in any Environment for 12 days every calendar year provided that noise does not exceed a level of 65 dB  $L_{Aeq}$  between 0900 and 2300 hours at the boundary of any Living Environment.
5. In the Business 1 Environment the "daytime" noise standard shall apply between 0700 and 0000 hours (midnight) on Fridays and Saturdays. The "night-time" noise standard shall apply between 0000 and 0700 hours on Saturday and Sunday mornings.

# Noise and Vibration

6. In Mineral Extraction Areas the “daytime” noise standard shall apply between 0630 and 2130 hours. The “night-time” noise standard shall apply between 2130 and 0630 hours.
7. Except where an alternative noise limit is provided for the activity within the District Plan [See Appendix 14 – Schedule of Existing Mineral Extraction Areas] then the activity shall comply with the noise limit stated within the notional boundary of a noise sensitive activity not owned or controlled by the quarry owner or operator.
8. NAV.6.1 shall not apply to the following specific activities which are provided for elsewhere:
  - Construction activities. Refer to Section [NAV.6.2] for specific rule.
  - Wind turbines and wind farms. Refer to Section [NAV.6.3] for specific rule.
  - Shooting ranges. Refer to Section [NAV.6.4] for specific rule.
  - Helicopter and aircraft landing areas. Refer to Section [NAV.6.7] for specific rule.
  - Engine testing at the airport. Refer to Section [NAV.6.8] for specific rule.
  - Noise from explosives. Refer to Section [NAV.6.9] for specific rule.
  - Temporary military training activities. Refer to Section [NAV.6.10] for specific rule.
  - Bird Scaring devices. Refer to Section [NAV.6.11] for specific rule.
  - Road traffic noise. Refer to Section [NAV.6.12] for specific rule.
  - Frost fans. Refer to Section [NAV.6.13] for specific rule.
  - Emergency Generator Testing. Refer to Section [NAV.6.14] for specific rule.
9. The noise rules shall not apply to the following activities:
  - Level crossing warning devices.
  - The operation of emergency service vehicles or emergency callout sirens.
  - Noise from aircraft and helicopters when in flight.
  - Unamplified noise from sporting events in Open Space Environment where these occur for up to 20 hours per week between 0700 and 2100 hours.
  - Unamplified noise from standard school outdoor activities where this occurs between 0700 and 1800 hours Monday to Sunday.
  - Rail movements within Fonterra’s Kauri Milk Processing site (the area encompassed within Scheduled Activity 15); excluding the loading and unloading of goods from trains within the site.
  - Emergency generators used to ensure the continued operation of network utilities. This exemption shall not include emergency generator testing which are required to comply with NAV.6.14.

## NAV.6.2 Construction Noise

Noise from demolition and construction, including that undertaken as part of temporary military training activities, shall comply with the guidelines and recommendations of NZS 6803: 1999 “Acoustics - Construction Noise”. Noise levels shall be measured and assessed in accordance with New Zealand Standard NZS 6803: 1999 “Acoustics - Construction Noise”. NAV.6.2 shall not apply to permitted maintenance or utility works undertaken within the road carriageway of a road where:

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- It has been demonstrated to Council that these works cannot reasonably comply with the referenced noise guidelines at the time when they must be carried out; and
- A construction noise and vibration management plan, as prepared by a Recognised Acoustician, has been provided to Council.

## NAV.6.3 Wind Turbines

Noise from wind turbines and wind farms shall comply with NZS6808:2010 “Acoustics – Wind farm noise”.

## NAV.6.4 Shooting Ranges

Where any new shooting range is established, or an existing shooting range or its use is altered or extended:

- Between 0900 and 1800 sound levels from the shooting range activity shall not exceed 50 dB  $L_{AFmax}$  from the notional boundary of any noise sensitive activity or visitor accommodation and;
- Between 1800 and 2200 and 0730 and 0900 sound levels from the shooting range activity shall not exceed 40 dB  $L_{AFmax}$  from the notional boundary of any noise sensitive activity or visitor accommodation and;
- No shooting shall occur between 2200 and 0730.

For the avoidance of doubt, in relation to alterations or extensions to an existing shooting range, compliance with items a, b and c is required for the altered or extended component of the activity.

## NAV.6.5 Sound Insulation Requirements

- Any noise sensitive activity established within a Business 1, 2, 3, Town Basin, Port Nikau Noise Zone 1 or 2, or Marsden Primary Centre Noise Zone 1 or 2A Environments shall be designed and constructed to ensure the following internal design noise levels:

Environment	Bedrooms and sleeping areas within dwellings or units 2200 – 0700 hours	Other habitable spaces within dwellings or units 0700 - 2200 hours	Teaching spaces, places of religious assembly, health and veterinary service buildings 0700 – 2200 hours
Business 1 Business 2 Business 3 Kamo Activity Precinct Town Basin	30 dB $L_{Aeq}$	40 dB $L_{Aeq}$	35 dB $L_{Aeq}$
Port Nikau and Marsden Primary Centre Noise Zone 1 and <u>Noise Zone 2A</u>	35 dB $L_{Aeq}$	45 dB $L_{Aeq}$	35 dB $L_{Aeq}$

- For design purposes, the following external  $L_{eq}$  noise levels shall be used. These noise levels shall be assumed to be incident on the façade.

Environment	Design noise level (dB $L_{eq}$ ) - incident							
	63	125	250	500	1k	2k	4k	dBA

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Bedrooms and Sleeping Areas	Hz	Hz	Hz	Hz	Hz	Hz	Hz	
Business 1 Town Basin	66	65	55	54	49	42	38	55
Business 2 Port Nikau and Marsden Primary Centre Noise Zone 2A	67	64	61	58	55	52	49	60
Business 3	57	54	51	48	45	42	39	50
Port Nikau and Marsden Primary Centre Noise Zone 1	72	69	66	63	60	57	54	65
Other Habitable Rooms								
Business 1 Town Basin								
Business 3	71	70	60	59	54	47	43	60
Business 2 <del>Port Nikau and Marsden Primary Centre</del> Noise Zones 1 and 2 <u>Marsden Primary Centre Noise Zone 1 and</u> <u>Noise Zone 2A</u>	72	69	66	63	60	57	54	65

**Note:** Where windows are required to be closed to achieve these sound levels the ventilation requirements of the New Zealand Building Code shall be achieved.

**Note:** A certificate from a Recognised Acoustician, confirming that the building accommodating the noise sensitive activity will achieve the minimum sound insulation requirements, is required to confirm compliance with NAV.6.5.

## NAV.6.6 Activities Establishing near the Airport Environment

1. *Within the Air Noise Margin:*
  - a. A minor addition or alteration to an existing building, which is not to be used as a habitable room, is a permitted activity.
  - b. The following are **controlled** activities within the Outer Control Boundary:
    - i. The addition of a habitable room;
    - ii. The construction of a new residential unit if:
      - The net site area associated with each residential unit is at least 1000m<sup>2</sup>.
      - The proposed construction is the first residential unit upon an allotment that is less than 1000m<sup>2</sup> and that allotment existed before 1 December 2005.
    - iii. Visitor's accommodation.
  - c. Control is reserved over:
    - i. The effect of aircraft noise on the living standard within buildings or habitable rooms. Whether the design and materials used in the construction achieves an internal design level of 40 dB L<sub>dn</sub> for noise within any habitable room.
  - d. Any activity that does not comply with the standard for a **permitted** or **controlled** activity is a **discretionary** activity. See NAV.7 for Discretionary activity criteria.
2. *Within the Air Noise Boundary:*
  - a. New noise sensitive activities are **prohibited** activities
  - b. Visitor Accommodation is a **discretionary** activity:

**Note 1 - Conditions of consent:** Any application for land use consent for a residential or other noise-sensitive activity in the Outer Control Boundary, will be required to have a notice registered against its

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title and included in the LIM report which alerts the owner that the property falls within a noise-sensitive area and can therefore expect noise levels higher than would normally be expected in that Environment.

**Note 2 - Notification:** Council has identified reverse sensitivity effects that new noise-sensitive activities may have on the safe and efficient operation of the Whangarei Airport. It has also identified potential adverse effects of the Airport on noise-sensitive activities. Therefore, applications for resource consent may require the written approval of the Whangarei Airport as an affected party if such applications are to be considered on a non notified basis.

## NAV.6.7 Aircraft and Helicopter Landing Areas

Helicopter landing areas, including those used for military training activities, shall comply with and be measured and assessed in accordance with NZS 6807:1994 *"Noise Management and Land Use Planning for Helicopter Landing Areas"*. NAV.6.7 shall not apply to emergency helicopter movements. Noise from aircraft other than helicopters shall comply with NZS6805:1992 *"Airport Noise Management and Land Use Planning."*

The use of aircraft and helicopters undertaking rural production activities on an intermittent and infrequent basis are exempt from compliance with NAV.6.7.

## NAV.6.8 Engine Testing

Aircraft engine testing in the Airport Environment is a permitted activity if:

- Between the hours of 0700 and 2300, the noise generated by aircraft engine testing, assessed at any point within the boundary of any Living Environment, does not exceed 55 dB  $L_{Aeq}$  (16 hours) and 65 dB  $L_{Aeq}$  (15 minutes);
- Between the hours of 2300 and 0700, noise generated by aircraft engine testing assessed at any point within the boundary of any Living Environment, does not exceed 45dB  $L_{Aeq}$  (8 hours) and 65 dB  $L_{AFmax}$ ;
- Between the hours of 2300 and 0700, for the purposes of essential, unscheduled maintenance and engine testing on a maximum of 15 occasions within any calendar year, noise generated within the boundary of any Living Environment does not exceed 55 dB  $L_{Aeq}$  (8 hours) and 70 dB  $L_{AFmax}$ . In these circumstances the noise limits set out in b. above shall not apply;
- The time, duration and other essential details of any testing undertaken in accordance with the requirements of c. above shall be recorded and advised to the Whangarei District Council within two weeks of any such event.

## NAV.6.9 Explosives Use

Peak noise levels from explosives, excluding those from Temporary Military Training Activities, use shall not exceed the following limits when measured within the notional boundary of any building set out in the following table:

Affected building type	Permitted blasting time window	Number of blasts per year	Max peak sound level applying to all blasts dB $L_{Cpeak}$
Occupied noise sensitive activity and visitor accommodation	0700 to 1900 hours	≤ 20	120
		>20	115

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Occupied commercial and industrial buildings	All hours of occupation	All	125
Unoccupied buildings	All times	All	140

## NAV.6.10 Temporary Military Training Activities

Temporary military training activities are permitted activities provided that they comply with the following rules:

1. *Weapons firing and/or the use of explosives*
  - a. Weapons firing and explosives use on any site shall not exceed a total of 31 days in any 365 day period.
  - b. Weapons firing and/or use of explosives shall comply with the following:

Table 1:

Activity	Time (Monday to Sunday)	Separation distance required between the boundary of the activity and the notional boundary to any building housing a noise sensitive activity
i. Live firing of weapons and single or multiple explosive events	0700 to 1900 hours	At least 1500m
	1900 to 0700 hours	At least 4500m
ii. Firing of blank ammunition	0700 to 1900 hours	At least 750m
	1900 to 0700 hours	At least 2250m

Table 2:

Rules to be complied with if minimum separation distances for sources NAV.6.10.1(i) and (ii) cannot be met:		
Rule	Time (Monday to Sunday)	Noise level at the notional boundary to an individual building housing a noise sensitive activity
(a)	0700-1900hrs	For the use of explosives: 120 dB $L_{Cpeak}$ For the use of small arms and pyrotechnics: 90 dB $L_{Cpeak}$ with one period in any 365 day period of up to five days consecutive use up to 120 dB $L_{Cpeak}$
(b)	1900-0700hrs	For the use of explosives: 90 dB $L_{Cpeak}$ For the use of small arms and pyrotechnics: 60 dB $L_{Cpeak}$ with one period in any 365 day period of up to five days consecutive use up to 90 dB $L_{Cpeak}$
(c)	<p>A Noise Management Plan prepared by a suitably qualified expert is provided to Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:</p> <ul style="list-style-type: none"> <li>• A description of the site and activity including times, dates, and nature and location of the proposed training activities.</li> <li>• Methods to minimise the noise disturbance at noise sensitive receiver sites such as selection of location, orientation, timing of noisy activities to limit noise received at sensitive receiver sites.</li> <li>• A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations.</li> <li>• A programme for notification and communication with the occupiers of affected noise sensitive sites</li> </ul>	

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	<p>prior to the activities commencing, including updates during the event.</p> <ul style="list-style-type: none"> <li>A method for following up any complaints received during or after the event, and any proposed de-briefing meetings with Council.</li> </ul>
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**Note:** “Small arms” include, but are not limited to, revolvers, self-loading pistols, rifles and carbines, assault rifles, submachine guns and light machine guns.

**Note:** “Explosives” include but are not limited to explosive charges, cannons, grenades, mortars and rockets.

## 2. Mobile noise sources, excluding sources NAV.6.10.1(i) and (ii)

- Activities shall comply with the “typical duration” noise limits set out in Tables 2 and 3 of *NZS6803:1999 Acoustics – Construction Noise* (with reference to ‘construction noise’ taken to refer to other, mobile noise sources) provided that no building housing a noise sensitive activity is exposed to noise above 35 dB  $L_{AFmax}$  from a Temporary Military Activity mobile source for more than a total of 31 days in any 365 day period.
- Activities that do not comply with the duration limit in NAV.6.10.2(a) shall comply with the noise limits in NAV.6.10.3. Fixed (stationary noise sources).

**Note:** mobile noise sources (other than firing of weapons) include sources such as personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.

## 3. Fixed (stationary) noise sources, excluding sources NAV.6.10.1(i) and (ii)

Time (Monday to Sunday)	Noise level at the notional boundary to any building housing a noise sensitive activity *	
0700 to 1900 hours	55 dB $L_{Aeq}$ (15 min)	n.a.
1900 to 2200 hours	50 dB $L_{Aeq}$ (15 min)	
2200 to 0700 hours the next day	45 dB $L_{Aeq}$ (15 min)	75 dB $L_{AFmax}$

**Note:** fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.

## 4. Helicopter landing areas

Helicopter landing areas shall comply with noise limits set out in *NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas*.

## 5. Restricted Discretionary Activities

Any activity that does not comply with rules NAV.6.10.1 – NAV.6.10.4 shall be a Restricted Discretionary Activity. Discretion is restricted to those matters listed in NAV.7.1(a) – (m).

## NAV.6.11 Bird Scaring Devices

The use of bird scaring devices is a **permitted** activity in the Countryside or Coastal Countryside Environments if:

- Bird scaring devices do not operate between half an hour after sunset and half an hour before sunrise.
- Each device operates at not more than 6 “events” per hour where an “event” includes clusters of up to three shots from gas operated devices or three individual shots from a



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firearm in quick succession. (This rule does not apply to bird scaring devices that generate a noise level of less than 55 dB  $L_{AE}$  within the notional boundary of any noise sensitive activity not owned by the operator of the device).

- c. The sound level from any event does not exceed 65 dB  $L_{AE}$  within the notional boundary of any noise sensitive activity not owned by the operator of the device.
- d. The bird scaring device is only operated when a crop is at risk from bird damage.

The use of bird scaring devices in other Environments is a **discretionary** activity.

**Advice Note:** Existing use rights may apply where a bird scaring device has been lawfully established prior to the operative date [insert operative date] of the NAV chapter.

## NAV.6.12 Road Traffic

- a. Noise from any new or altered road shall be assessed in accordance with and meet the provisions of New Zealand Standard NZS 6806:2010 *"Acoustics - Road-traffic noise - New and altered roads."*
- b. The installation and operation of Audio-Tactile pedestrian call buttons at traffic signal controlled intersections and pedestrian crossings is a permitted activity. Installations shall comply with Australian Standard AS2353: 1999 Pedestrian Push- button Assemblies.

## NAV.6.13 Frost Fans

The use of frost fans is a **permitted** activity in the Countryside or Coastal Countryside Environments if:

- a. Noise generated by single or multiple frost fans on a site does not exceed 55 dB  $L_{Aeq}$  (10 minute) at any time when assessed at the notional boundary of any noise sensitive activity on a separate site under different ownership.

**Note:** The noise rule includes a correction for the special audible characteristics of frost control fans and no further penalty shall be applied to measured noise levels.

- b. Operation of frost fans during the night period shall be for protection of crops from frost only. Any other operation, such as for the purposes of maintenance, shall be undertaken during the day period.
- c. A legible notice shall be fixed to the road frontage of the property on which the frost fan is being used giving the name, address and telephone number of the person responsible for its operation.

The use of frost fans in any other Environment is a **discretionary** activity.

**Advice Note:** Existing use rights may apply where a frost fan has been lawfully established prior to the operative date 24 May 2016 of the NAV chapter.

## NAV.6.14 Emergency Generator Testing

The testing of emergency generators is a permitted activity in all Environments if:

- a. The duration of testing does not exceed 12 hours total per annum;
- b. Testing occurs between 0900 and 1700 hours only;
- c. Noise levels do not exceed the following:



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- i. 60 dB  $L_{Aeq(15 \text{ min})}$  within the relevant boundary assessment location of any Marsden Primary Centre – Town Centre Living, Open Space, Coastal Countryside, Urban Transition or Countryside Environments.
- ii. 65 dB  $L_{Aeq(15 \text{ min})}$  within the site boundary of any Business 1, 3, Town Basin, Port Nikau Noise Zone 2, Marsden Primary Centre Noise Zone 2.
- iii. 70 dB  $L_{Aeq(15 \text{ min})}$  within the site boundary of any Business 2, Airport, Port Nikau Noise Zone 1, Marsden Primary Centre Noise Zone 1 Environment.
- iv. 85 dB  $L_{Aeq(15 \text{ min})}$  within the site boundary of any Business 4 or Marsden Point Port Environment.

## NAV.6.15 Vibration

### 1. Continuous Vibration from Stationary Machinery

Vibration from building services is a permitted activity if vibrating, reciprocating and rotating machinery and all piping, ducting and other equipment attached to such machinery is installed and maintained so that any resulting vibration does not exceed the levels in the following table when measured in adjacent buildings or areas of buildings under different ownership from the source of vibration:

Affected occupied building type	Time	Maximum vibration level in mm/s rms between 8 and 80 Hz
Industrial	All	0.8
Commercial	All	0.4
Noise sensitive activity	0700 to 2200 hours	0.2
	2200 to 0700 hours	0.14
Surgery rooms of healthcare facilities	All	0.1

### 2. Construction Vibration

Vibration from construction and demolition activity is a permitted activity if it does not exceed the following levels when measured at the point of effect.

- a. For human annoyance, vibration should be assessed at the location of the affected person inside the building, typically on the appropriate floor. Vibration should be measured in three orthogonal directions orientated to the axes of the building and assessed in the single axis in which vibration is greatest.
- b. For building damage, vibration should be assessed at the horizontal plane of the highest floor of the building. Vibration should be measured in two horizontal orthogonal directions orientated to the axes of the building and assessed in the single axis in which vibration is greatest. Note that for the building damage criteria in NAV 6.15.2 Note 2 an alternative measurement location is defined.

Effect	Affected occupied building	Activity	Time	Maximum vibration level mm/s ppv	Notes
Annoyance	Occupied noise sensitive activity or visitor accommodation in any	General construction activity	2200 to 0700	0.3	1
			0700 to 2200	1	1

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	Environment				
	Occupied commercial or industrial activity in any Environment	General construction activity	2200 to 0700	5	
			0700 to 2200	1	
Building damage	Unclassified structures of great intrinsic value such as historic buildings	All activity	All times	2.5	
	Non-occupied dwellings and buildings of similar design	All activity	All times	5	
	Non-occupied commercial and industrial buildings	All activity	All times	10	

- <sup>1</sup> Except that in surgery rooms of hospital facilities, maximum vibration levels from construction and demolition activities shall not exceed 0.1mm/s rms between 8 and 80Hz.
- <sup>2</sup> NAV.6.15.2 shall not apply to permitted maintenance or utility works undertaken within the road carriageway where the following levels are achieved:

Table 1

Effect	Receiver	Location	Details	Maximum vibration level (mm/s PPV)
Annoyance and building damage	Occupied noise sensitive activity or visitor accommodation building in any Environment	As set out in NAV.6.15.2 above	2000 to 0630 hours	1
			0630 to 2000 hours	5
	Occupied commercial or industrial activity building in any Environment	Inside the building	0630 to 2000 hours	5
Building damage	Unoccupied buildings	Base of building on side of building facing vibration source or, where this is not practicable, on the ground outside the building	Vibration – transient (including blasting)	Refer to table 2 below
			Vibration – continuous	Refer to table 2 below - 50% of Table 2 Values

Table 2

Type of building	Peak component velocity (PPV) in frequency range of predominant pulse	
	4 to 15 Hz	15 Hz and above
Reinforced or framed structures Industrial and heavy commercial buildings	50 mm/s	50 mm/s
Unreinforced or light framed structures Residential and light commercial buildings	15 mm/s at 4Hz increasing to 20 mm/s at 15 Hz	20 mm/s at 15Hz increasing to 50

# Noise and Vibration

		mm/s at 40 Hz
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## Notes:

- All values referred to in table 2 are at the base of the building
- For unreinforced or light framed structures and residential and light commercial buildings at frequencies below 4 Hz a maximum displacement of 0.6mm (zero to peak) is not to be exceeded.

### 3. *Vibration from Explosives Use and Blasting*

Vibration from explosive use and blasting from activity other than provided for in NAV.6.15.2 is a permitted activity if it does not exceed the levels set out in the following table, when measured in general accordance with the provisions of Australian Standard AS2187.2: 2006 Explosives – Storage and use – Use of explosives.

Category	Type of blasting operations	Peak component particle velocity (mm/s)
Occupied noise sensitive activities and visitor accommodation	Operations lasting longer than 12 months or more than 20 blasts per year	5 mm/s for 95% blasts per year 10 mm/s maximum unless agreement is reached with the occupier that a higher limit may apply
Occupied noise sensitive activities and visitor accommodation	Operations lasting less than 12 months or less than 20 blasts per year	10 mm/s unless agreement is reached with the occupier that a higher limit may apply
Occupied non-sensitive site, such as factories and commercial premises	All blasting	25 mm/s unless agreement is reached with the occupier that a higher limit may apply

## NAV.7 Discretionary Activities

### 1. *Assessment of Discretionary Activities for NAV.6.1 – NAV.6.15*

Unless specifically stated otherwise, any activity shall be a discretionary activity where it does not comply with all of the permitted noise and vibration provisions given in the previous sections NAV.6.1 – NAV.6.15. When assessing discretionary applications pursuant to these sections, the assessment shall include (but is not limited to):

- The level of sound likely to be received
- The existing ambient sound levels
- The nature and frequency of the noise including the presence of any special audible characteristics
- The effect on noise sensitive activities within the environment
- The likely time when noise will be audible and the extent of the exceedance of the noise rule at that time
- Whether the level and character of the noise is below recognised guidelines or standards for the preservation of amenity
- The potential for cumulative effects to result in an adverse outcome for receivers of noise
- The effects of noise on recreation or conservation areas within the Open Space Environment.

# Noise and Vibration

- i. The value and nature of the noise generating activity and the benefit to the wider community having regard to the frequency of noise intrusion and the practicality of mitigating noise or using alternative sites.
  - j. Any proposed measures to avoid, remedy or mitigate noise received off-site
  - k. The potential for any reverse sensitivity effects
  - l. The level of involvement of a Recognised Acoustician in the assessment of potential noise effects and/or mitigation options to reduce noise.
  - m. The ability of noise sensitive activities to unduly compromise the continuing operation or future development of other lawful activities
2. *Assessment of Discretionary Activities for NAV.6.6 Activities Establishing Near the Airport Environment*

When assessing discretionary applications pursuant to section NAV.6.6, the assessment shall include (but is not limited to):

- a. Consideration of the proposed location of the noise-sensitive activity in relation to airport activities;
- b. Effects, or potential effects arising from the proximity of the airport, aircraft approach/takeoff paths, lead-in lighting, navigational aids; and the potential of buildings or structures to create glare, electromagnetic interference, smoke, mechanical turbulence or other adverse effects;
- c. The effect, or potential effect of the noise-sensitive activity on the operation of Whangarei Airport; particularly having regard to helicopter TLOF and hover points and the runway centreline alignments, requirements for aircraft on approach, and aircraft utilising navigational aids/lighting.
- d. The effect, or potential effect of airport operations, in particular noise, and health/safety effects from low flying aircraft, on the noise-sensitive activity, given low ground clearances for aircraft on approach/ takeoff over this area, and high single event noise levels and average daily noise levels;
- e. The effect of topographical characteristics of the land in relation to shielding of airport noise;
- f. Relevant objectives and policies, as they relate to the protection of a regionally significant transportation resource;
- g. Any remedial measures to avoid, remedy or mitigate potential conflict with the safe and efficient operation of the airport;
- h. Whether there has been adequate and meaningful consultation with the Airport Authority with respect to the current or potential effects associated with the operation of the airport resource, whether any issues have been resolved and any mitigation measures that have been proposed.

## Road Name Application

**Meeting:** Planning and Development  
**Date of meeting:** 20 July 2017  
**Reporting officer:** Keryn Ryan – Team Leader – Support (Resource Consents)

### 1 Purpose

To name a Private Right of Way in the Whangarei District.

### 2 Recommendation/s

That the Planning and Development Committee

Approve a new Private Right of Way off Vinegar Hill Road be named Vintage Lane.

### 3 Background

A road naming application by Kirsten's Farms has been received on 7 June 2017, for a Private Right of Way off Vinegar Hill Road.

### 4 Discussion

All road names have been considered in accordance with the Council Road Naming Policy.

### 5 Significance and engagement

Having considered the significance and Engagement Policy this proposal or decision is not considered significant and the public will be informed via agenda publication on the website.

### 6 Attachments

1. Application
2. Location Map



## Application for the naming of a new Private ROW

### Subdivision at 409 Vinegar Hill Road, Whangarei

Below is a summary of the road name submissions from the developer in order of preference

Proposed status & class of road	Proposed road name	Reason and relevance	Accepted/Rejected	Local Māori consulted & evidence supplied
Private ROW	Vintage Lane	The applicant deems Vinegar Hill Rd to be associated with wine and grapes and considers Vintage Lane to be keeping with this theme	Yes	N/A
	Rocky Hill Lane	This is in reference to the rural landscape.	Yes	N/A
	Duckpond Lane	There is a duck pond located near the proposed Lane.	Yes	N/A

### Consultation

Yes, neighbouring properties have been consulted.

### Recommendation

That the new private right of way off Vinegar Hill be named Vintage Lane.

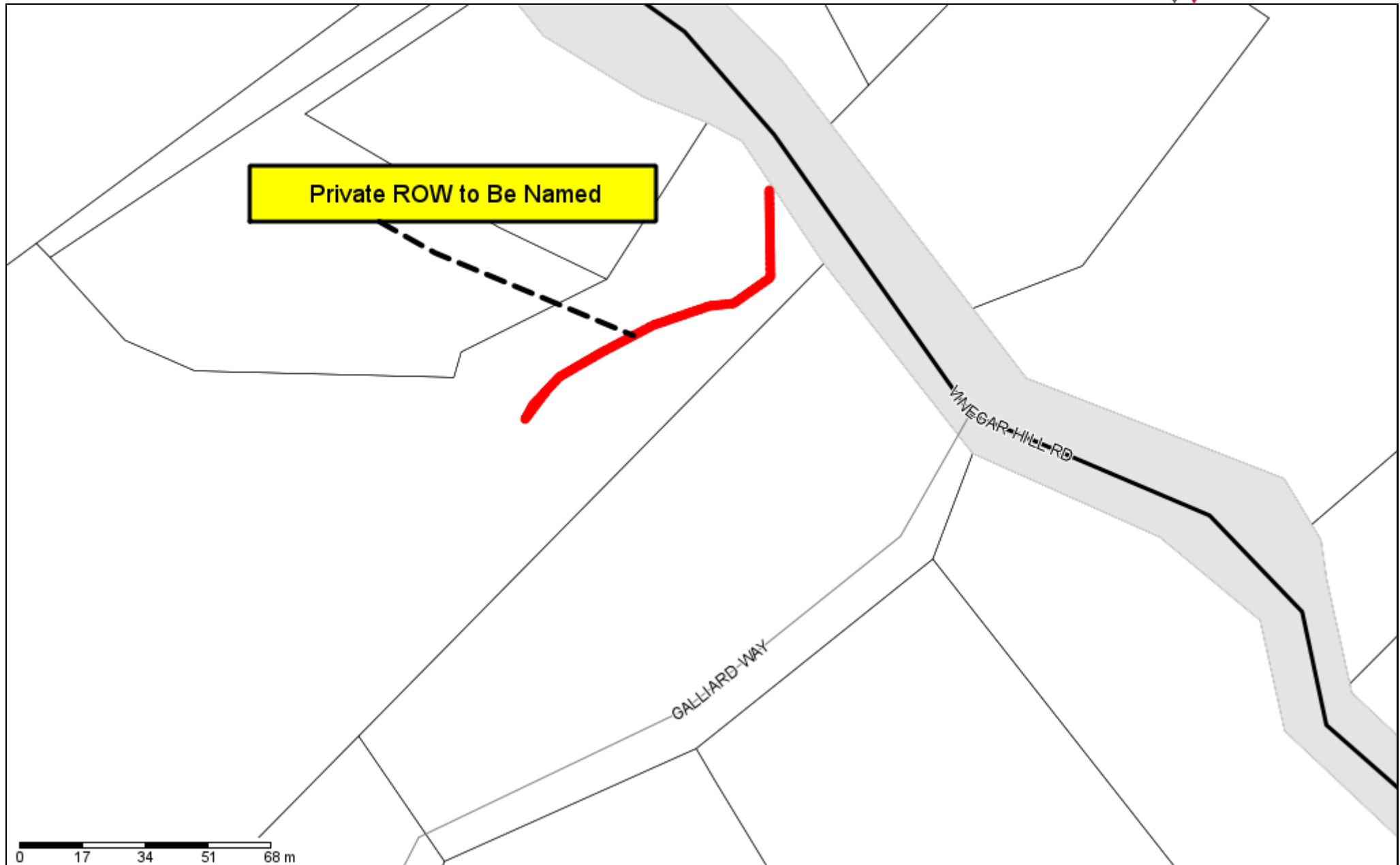
### Document References

Original road name application received on 7/06/17

Kete reference number SD1600203









## Road Name application

**Meeting:** Planning and Development  
**Date of meeting:** 20 July 2017  
**Reporting officer:** Keryn Ryan – Team Leader – Support (Resource Consents)

### 1 Purpose

To name a Private Right of Way in the Whangarei District.

### 2 Recommendation/s

That the Planning and Development Committee

Approve the new private right of way, located within new Maunu subdivision, be named Queen Palm Lane.

### 3 Background

A road naming application for TK and MT Holdings has been received on 16 June 2017, for a private right of way off Austin Road, Maunu.

### 4 Discussion

All road names have been considered in accordance with the Council Road Naming Policy.

### 5 Significance and engagement

Having considered the significance and Engagement Policy this proposal or decision is not considered significant and the public will be informed via agenda publication on the website.

### 6 Attachments

1. Application for naming of a new road
2. Location Map



## Application for the naming of a new private right of way

### Subdivision at Maunu, located off Austin Road.

Below is a summary of the road name submissions from the developer in order of preference

Proposed status & class of road	Proposed road name	Reason and relevance	Accepted/Rejected	Local Māori consulted & evidence supplied
Private ROW	Queen Palm Lane	This site has a long history of horticultural use, and Queen Palms are to be used as part of landscaping on completion of the project.	Yes	N/A
	Orchid Lane	Relates to the past horticultural history on site.	Yes	N/A
	Classic Way	Follows the theme in reference to 'Heritage Way', a small cul-de-sac located on the northern side of Tullamore and adjoining subject site.	Yes	N/A

### Consultation

No consultation has been undertaken with other parties as the access way relates only to the new lots created from the current subdivision.

### Recommendation

That the new private right of way located within Maunu subdivision be named Queen Palm Lane.

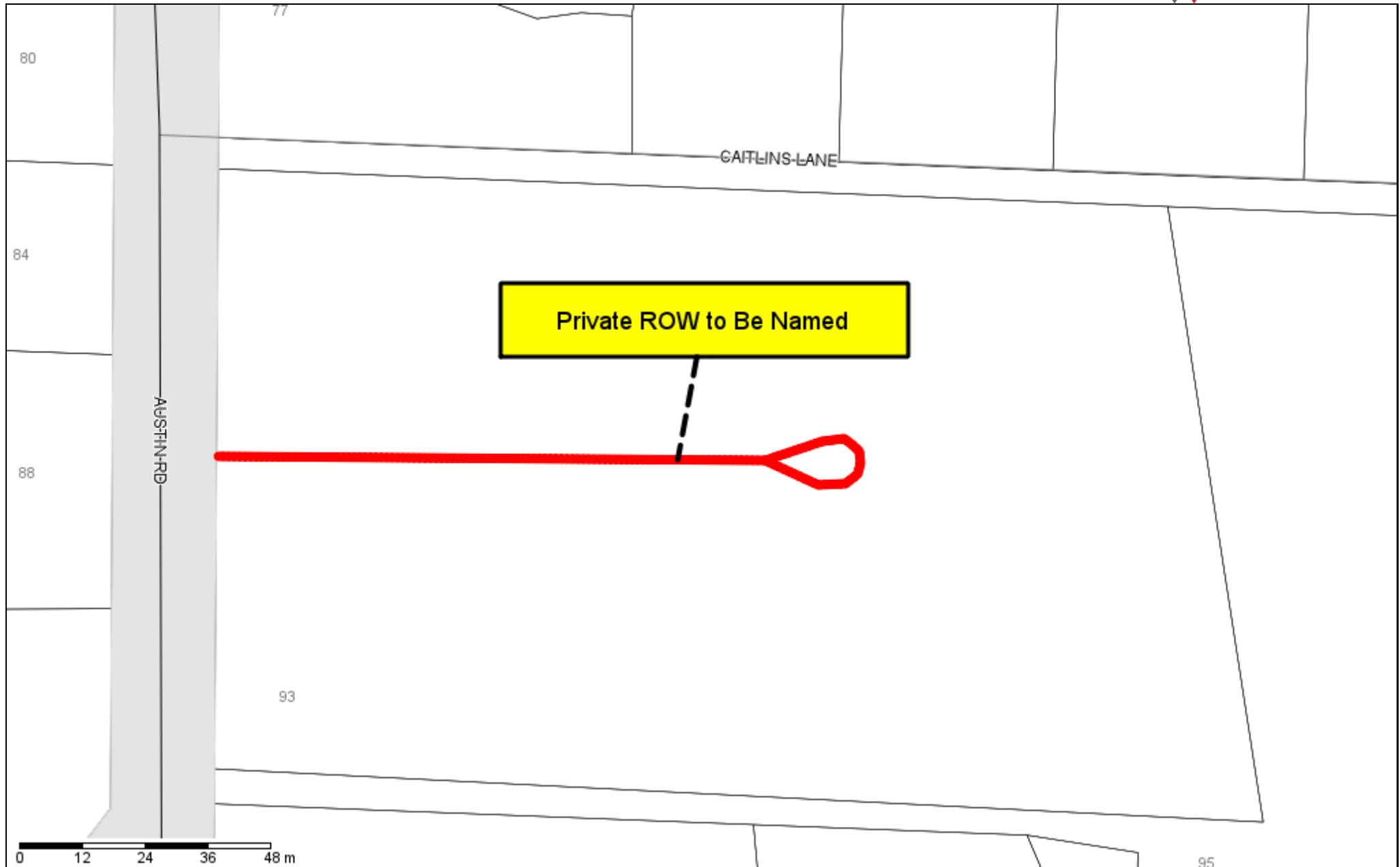
### Document References

Original road name application received on 16 June 2017.

Location Map









## Road Name Application

**Meeting:** Planning and Development  
**Date of meeting:** 20 July 2017  
**Reporting officer:** Keryn Ryan – Team Leader – Support (Resource Consents)

### 1 Purpose

To name 2 Public Roads in the Whangarei District, which are a continuation of existing roads.

### 2 Recommendation/s

That the Planning Development Committee

- a) Approve that the extension of Maru Lane be named Maru Lane.
- b) Approve that the extension of Rotokauri Rise be named Rotokauri Rise.

### 3 Background

Notified on 29 June 2017 Totara Parklands require an extension of Maru Lane and Rotokauri Rise.

### 4 Discussion

All road names have been considered in accordance with the Council Road Naming Policy.

### 5 Significance and engagement

Having considered the significance and Engagement Policy this proposal or decision is not considered significant and the public will be informed via agenda publication on the website.

### 6 Attachments

- 1. Application
- 2. Location Map



## Application for the naming of an extension of two public roads

### Subdivision at Totara Parklands, Wairau Drive, Whangarei

Below is a summary of the road name submissions from the developer for the continuation of existing public roads within the subdivision.

Proposed status & class of road	Proposed road name	Reason and relevance	Accepted/Rejected	Local Māori consulted & evidence supplied
Public Road	Maru Lane	All roads have been named after New Zealand rivers, streams, dams and lakes.	Yes	Yes

Proposed status & class of road	Proposed road name	Reason and relevance	Accepted/Rejected	Local Māori consulted & evidence supplied
Public Road	Rotokauri Rise	All roads have been named after New Zealand rivers, streams, dams and lakes.	Yes	Yes

### Consultation

Yes, local iwi has been consulted at Stage 1 of the Subdivision. Maru Lane originally approved by Council 15 June 2017 and Rotokauri Rise originally approved 12 June 2013.

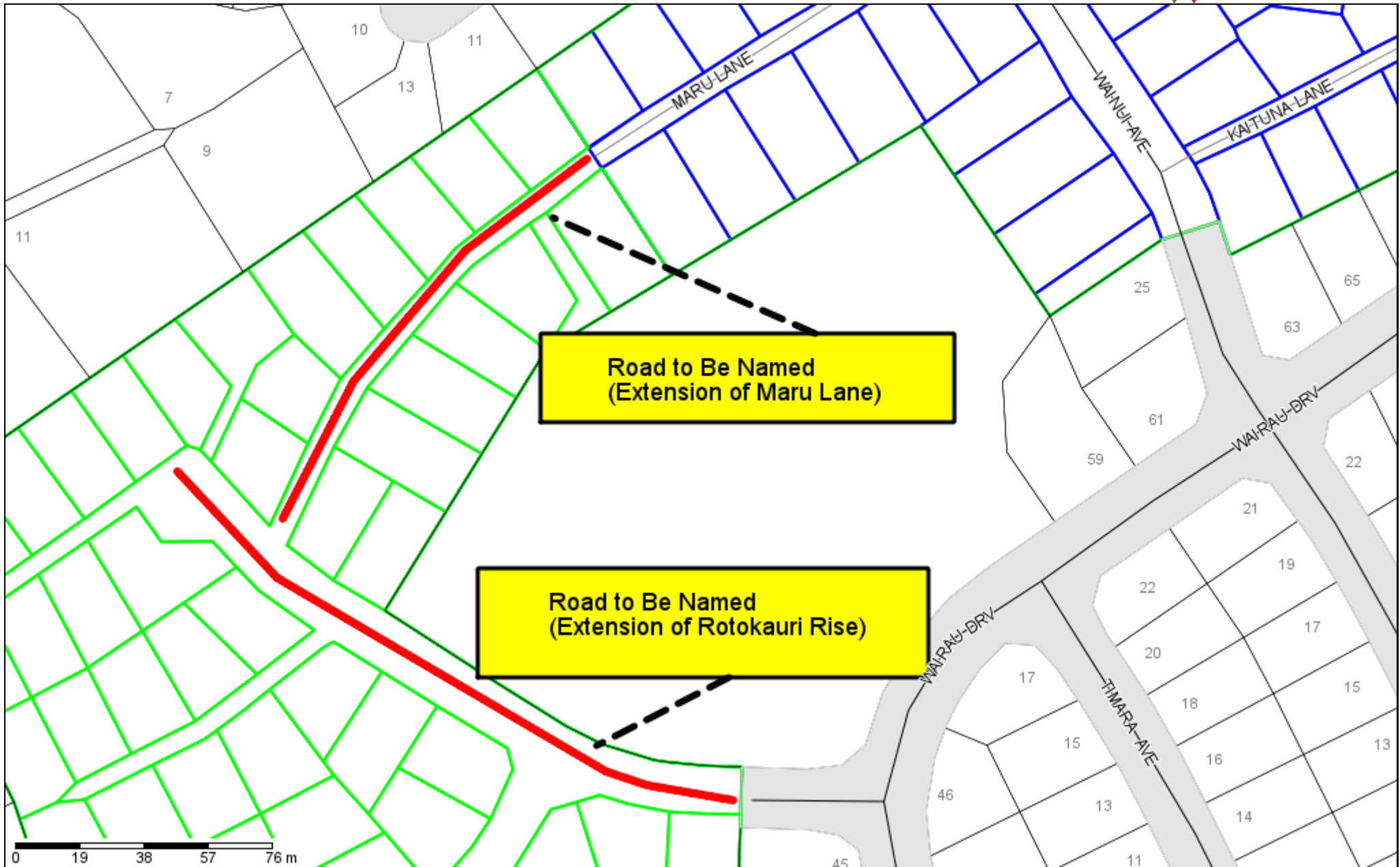
### Recommendation

That the continuation of existing roads Maru Lane and Rotokauri Rise remain named as Maru Lane and Rotokauri Rise.

### Document References

1. [Location Map](#)









## Planning and Development Operational Report

**Meeting:** Planning and Development  
**Date of meeting:** 20 July 2017  
**Reporting officer:** Alison Geddes (General Manager Planning and Development)

### 1 Purpose

To provide a brief overview of work occurring, in the current financial year, across functions that the Planning and Development Committee has responsibility for.

### 2 Recommendation/s

That the Planning and Development Committee notes the operational report for June 2017.

### 3 Discussion

Hosting the first game of the DHL Lions series in Whangarei was a significant undertaking and a great success. WDC is contributing to an Economic Impact Assessment which will be undertaken at the end of the series. This will focus on the economic impact to Whangarei District. This report will be released at the end of October and will provide us with some useful data. A report on the impact on the Northland Region will be commissioned separately by Northland Inc.

Exciting developments in the restaurant scene are happening in the Town Basin with the opening of "Number 8" on 8 July and The Quay being named as one of New Zealand's top 100 restaurants for 2017 by Cuisine Magazine.

Current tenants are vacating 201-209 Port Road which has been deemed dangerous and a public tender process is underway for demolition of the entire site.

Hearings are underway for the rural, Mineral, Coast and Landscape plan changes and Private Plan Change 135 is reported as a separate item.

June has seen a continuation of the trend of high resource consent numbers with 39 applications received. This is 22% higher than the last financial year.

Due to extremely high demand, building consenting is falling behind in processing times against statutory deadlines. However, we are currently recruiting for building control officers and a Team Leader in this Department and have been heartened by the caliber of applicants. There are also several measures in place to develop people from within and streamline processes.

However, the building industry is very buoyant at present and the private sector, other Councils and ourselves are all competing for technically competent and talented staff. This increase in consenting activity has followed through into inspections.

Up-front technical vetting which was put in place to stop poor quality applications entering the system has been reinstated. Staff are continuing to manage expectations by phoning applicants to advise them of potential delays. This is not ideal, however building officers are in high demand and short supply.

Appointment of an independent District Licensing Commissioner is underway and a recommendation for appointment will be reported to Council on 27 July. Council staff have been involved in a police operation to address access to alcohol by minors. This has resulted in sanctions on four outlets across Whangarei.

Prosecutions under the Dog Control Act are underway and enforcement action is being taken on ongoing noise issues causing nuisance to neighbours.

## **Strategy and Democracy**

Presentations on Climate Change Strategy, and the National Policy Statement on Urban Development Capacity will be on the agenda for the 20 July Council briefing.

The Whangarei City Centre Plan team have organised a Business Sector Forum to be held at Forum North on 8 August. Invitations are available for Councillors to distribute to their contacts. Business organisations are notifying their members. Media advertising is also planned.

## **4 Significance and engagement**

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via report publication.

## **5 Attachments**

Planning and Development Operational Report - June

# Operational Report – Planning and Development Committee July (reporting on June)

## Economic Development

### DHL New Zealand Lions Series 2017

The first match of the series against a NZ Provincial Barbarians team was held at Toll Stadium on Saturday 3 June 2017.

The planning and co-ordination for the event was divided into three parts:

- Liaison with the British and Irish Lions
- Host City Activations
- Match Day/Stadium Operations

The Economic Development Manager who was involved in the initial bid process with New Zealand Rugby (NZR) to successfully tender for a match, subsequently liaised with the management of the British & Irish Lions (BIL 2017) over a two year period to ensure all of their requirements for the visit were covered off.

Feedback from the BIL 2017 management with regards to the assistance received and facilities provided was very complimentary; as was the informal feedback to date from NZR.

In January 2017 four work streams were created involving a collaboration across Council staff and external agency's to deliver the colossal 348 plus requirements and actions of the bid.

The Host City activations included city dressing, Fan Trails, Vikings Dinner, "The Late Lunch", Crafternoon, Legends at the Local all of which were well attended with estimates of up to 30% being Lions supporters.

Approximately, 63 campervans utilised the designated central city parking on both the Friday and Saturday nights. Approximately 50% were pre-booked, 70% were international visitors.

Hospitality operators reported record turnover both pre walk up and post match on Saturday.

An extra 2500 temporary stand seats were installed into Toll Stadium for the match and in excess of 19,500 spectators went through the turnstiles to witness a fiery NZ Provincial Barbarians XV take it to the British & Irish Lions providing a respectable contest.

Despite an overnight monsoon like deluge which didn't relent until 11:00am Saturday, the pitch was presented in remarkable condition.

Unfortunately this uncontrollable weather event led to some humorous incidents on the embankment however the crowd remained in a joyous mood.

Police reported that there were no incidents of note at both the match and city.

It was also pleasing to witness a sea of Red Army visitors travel further north to the Bay of Islands the following day and enjoy the welcome on the Waitangi Treaty grounds along with the picturesque Bay of Islands, which all adds to grow our region's economy.

WDC is contributing to a Economic Impact Assessment which MBIE will be undertaken at the end of the series. Indicatively this will be released at the end of October.

A full report to Council will be forthcoming.











## Commercial Property

### Town Basin

Maintenance schedules continue with the onset of winter. Roof replacements including painting and gutter cleaning. Has been delayed unfortunately due to the weather. Although the situation is not perfect staff are working along site the contractors and effected tenancies to minimise disruption.

Our latest restaurant “number 8” is set to open on 8 July. The internal fit out is near completion with an Asian fusion theme. Staff have used the down time to complete painting, roof leaks and gutter works. Some electrical upgrades have been completed to emergency and some historical lighting issues.

‘Cuisine Magazine named ‘the Quay’ as one of New Zealand’s top 100 restaurants for 2017. The Quay and one other are the only restaurants named in Northland.

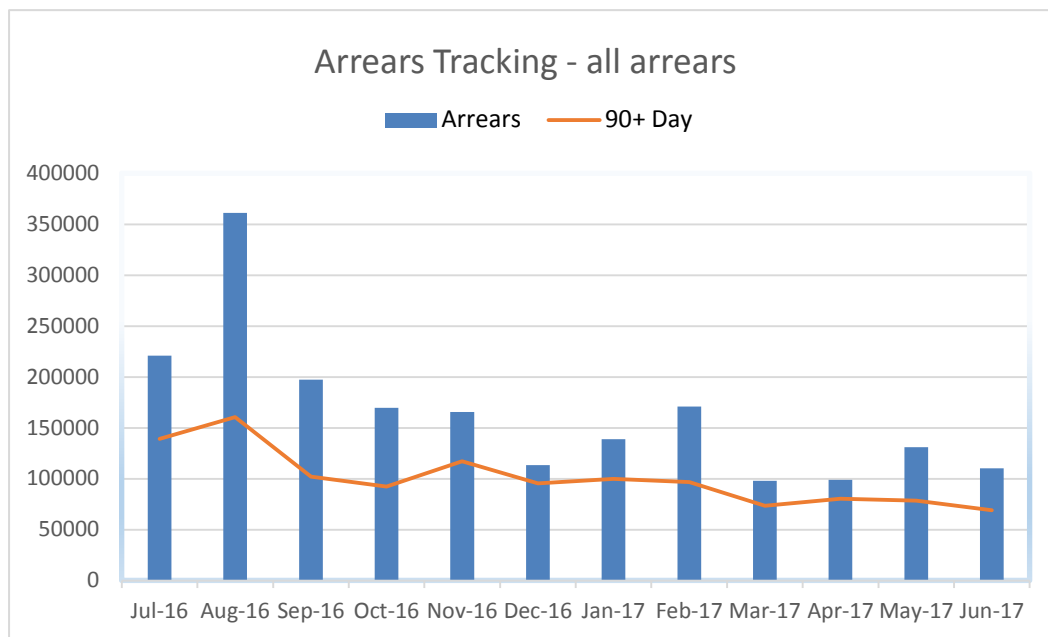
The Matariki Festival on 23 June provided a great opportunity for retailers to capitalise on a great turn out. The music and the festivities delivered a positive vibe to help address the traditionally slow winter months.

There are always areas of improvement and property staff have received some positive suggestion. These have been forwarded to the Venues and Events team to consider.

Staff continue to explore potential tenancies for the vacant ex Kauri Clocks site at the HUB, including possible pop-up tenancies.

## Rent Reviews/Renewals

Rental reviews and renewals continue in accordance with both Ground and



Commercial Freehold leases.

## 201-209 Port Road (ex-Balance/ Fertilizer Stores)

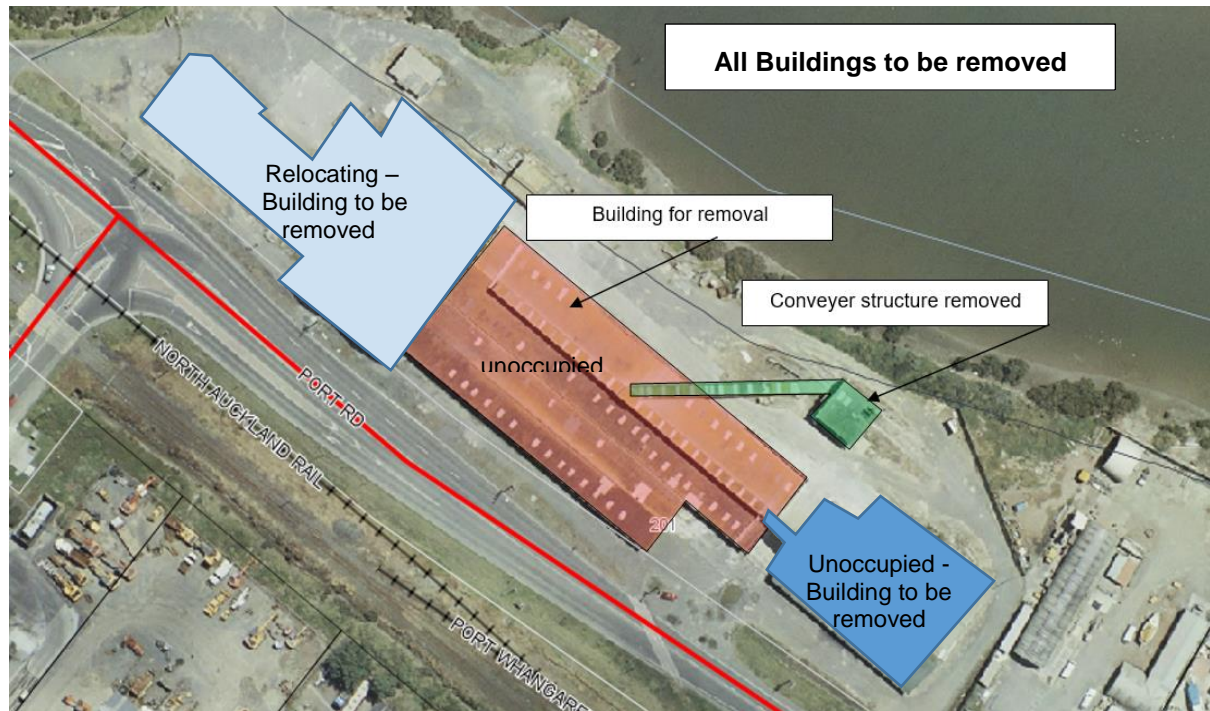
A dangerous building notice has been issued and timeframes for the current tenancies to vacate has been established as part of the condition of notice.

The eastern most building has already been vacated and Whangarei Landscape Services are preparing to relocate to Kioreroa Road on a short-term lease with WDC.

The timeframes will allow a full public tender to be formalised ideally resulting in competitive pricing for the demolition of the entire site.



## 201-209 Port Road



## District Plan

### Progress with the district plan rolling review

The Rural, Mineral, Coast and Landscape plan changes have progressed to hearing, Section 42A hearing reports were released, approximately 140 submitters chose to be heard and evidence has been pre-circulated by submitters. The first week of hearing has been completed (4 – 7 July 2017) with the second week commencing on 24 July 2017.

PC94B Papakainga (approved by Council) has been appealed by the Landowners Coalition Inc. Two parties have joined the appeal under s274 of the RMA. Environment court has issued direction to mediate.

The recommendation report for Private Plan Change PC135 from GNLC Ltd has been received and reported as separate item.

## Strategic Planning

### Otuhau Water Quality Improvement Project

Funding for the Otuhau Water Quality Improvement project was announced by the Minister for the Environment Nick Smith on 22 June. Advertising and press releases were done jointly with Northland Regional Council. The first planting day of the year was held on 24 June.



## **Climate Change Strategy**

Staff will brief Council on 20 July on the proposed approach to a corporate sustainability strategy.

## **National Policy Statements**

A Council briefing on the implication of the National Policy Statement on Urban Development Capacity (NPS-UDC) will be held next month on the 20 July.

The Ministry of Business Innovation and Employment have release new data to support the implementation of the NPS-UDC, this includes measures for housing affordability.

## **Whangarei City Centre Plan**

A cross-council staff workshop was held on 20 June. This was well received and staff are busy collating the information to inform an external business sector meeting on 8 August.

Staff have also been in discussion with the Northern Transportation Alliance team to ensure alignment between future transport investment and urban design outcomes for Whangarei City Centre.

## **Upper North Island Strategic Alliance (UNISA)**

A Chief Executives meeting was held on 2 June and the Mayors and Chairs meeting was held on the 23 June.

At the Mayors and Chairs meeting, Upper North Island port operators were invited to present their growth plans and to understand the future challenges and opportunities.

## Kaipara Moana Treaty Settlement Working Party

A Kaipara Moana Treaty Settlement Working Party meeting was held on 12 June. At this meeting, Councillor Phil Halse was confirmed as Chair of the working party.

A follow-up meeting will be held on the 31 July to progress discussions on the work programme.

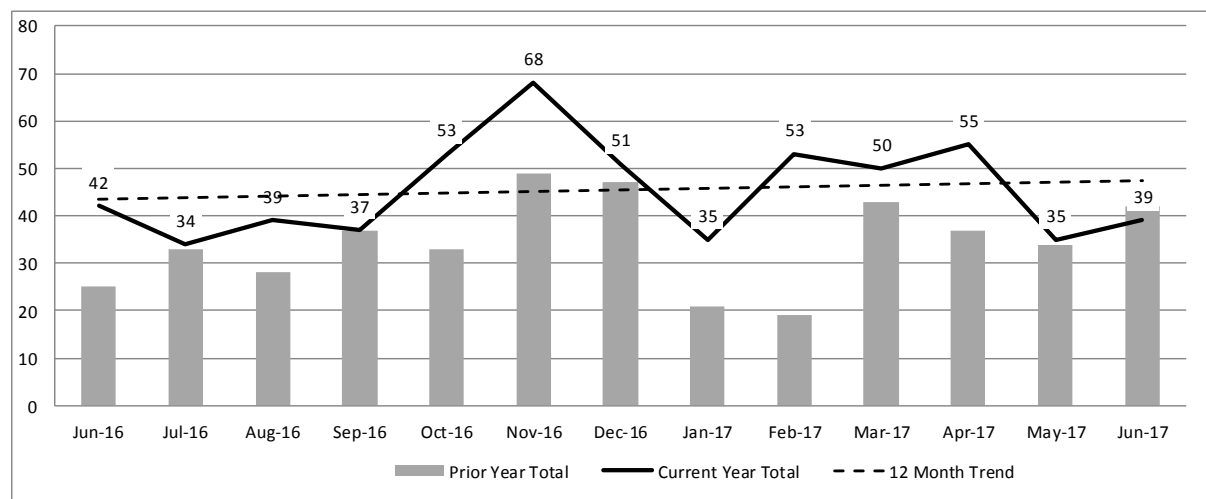
## Bank Street Revitalisation Project

The street furniture work for the Bank Street Revitalisation Project has been installed. The revitalization group are now looking towards future projects.

## RMA Consents (June 2017)

### Resource Consent Processing

June has seen a continuation of the trend of high resource consent numbers with 39 applications received. For the 2016-17 year, there were 660 applications, being 22% higher than last financial year (542).



## Subdivision

Subdivision applications equated to 55% of the total number of applications. Once again, the majority of subdivisions are rural based proposals utilising the current rules which may change as a result of the plan changes currently being processed.

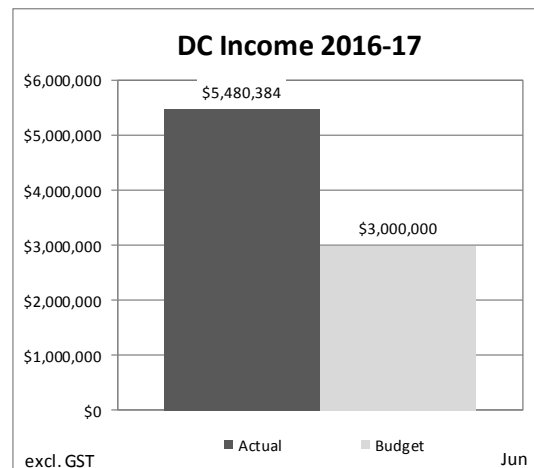
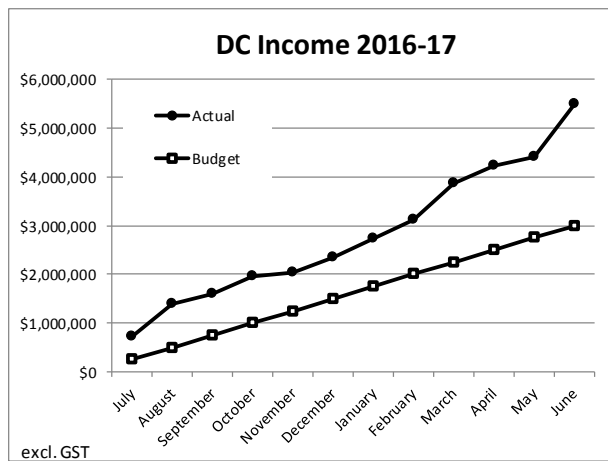
## Landuse

Landuse applications made up 45% of the total number of resource consents for the period. An application by GBC Winstones to dispose of overburden at their Otaika Quarry has been received. At the time of writing it had not been determined if the application would be subject to public, limited or non-notification.

The application for a brothel based in a motel at Riverside has been withdrawn.

## Development Contributions

DCs invoiced to end of May total \$5.4m. The budgeted income for the year is \$3.0m. This reflects an increase in development activity generally. As DCs recover part of the cost of past and future projects, which have or will be been undertaken in anticipation of growth, this money is already allocated to those projects.



## Appeals

An appeal against the granting of a subdivision at Pepi Road, Parua Bay is near settlement with a consent order being prepared for the consideration of the Environment Court.

## Building Control

### Building Consent Processing

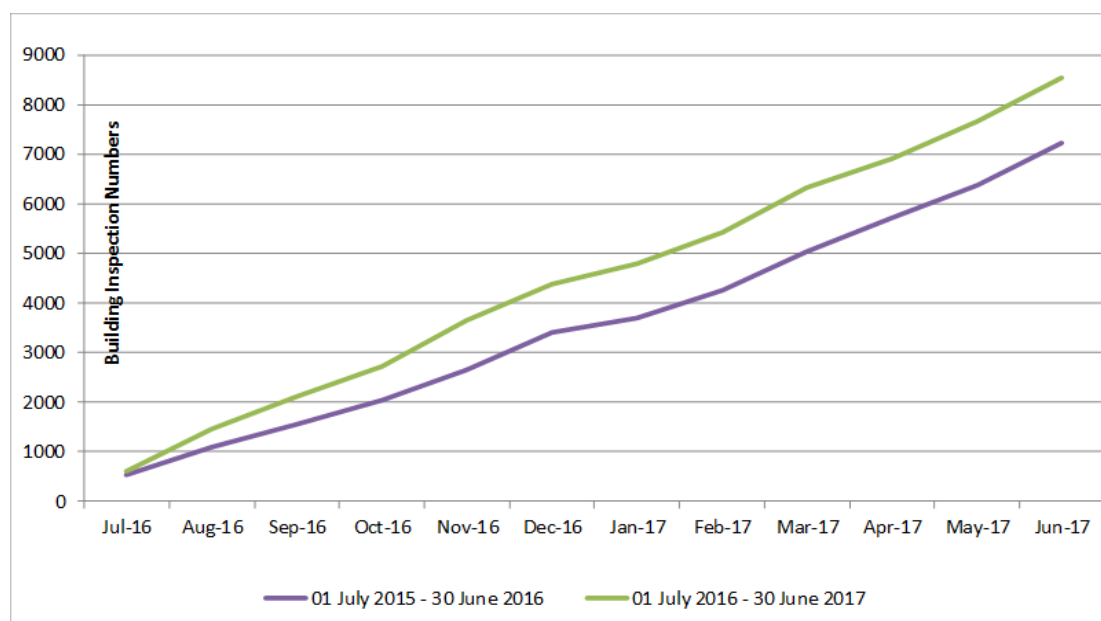
Building consent applications have continued to show a solid volume and the year-end figures show a nett increase. The percentage done within statutory time frames is reducing and the 20-day time frame is extending.

Performance Indicators			
		Jun-17	Year's Average To Date
Building Consents	Issued In 20 Days	50%	81%
LIMs	% Within 7 Days	93%	86%
LIMs (Statutory Requirement)	% Within 10 Days	100%	100%
PIMs	% Within 5 Days	97%	86%
Inspections (Completed within 48 Hrs)	% Complete Within 2 Working Days	95%	98%

The Building team has re implemented “technical vetting” to improve the quality of applications submitted to reduce suspensions. The technical vetting started again on the 3<sup>rd</sup> July communications were sent to the industry around this.

### Inspections

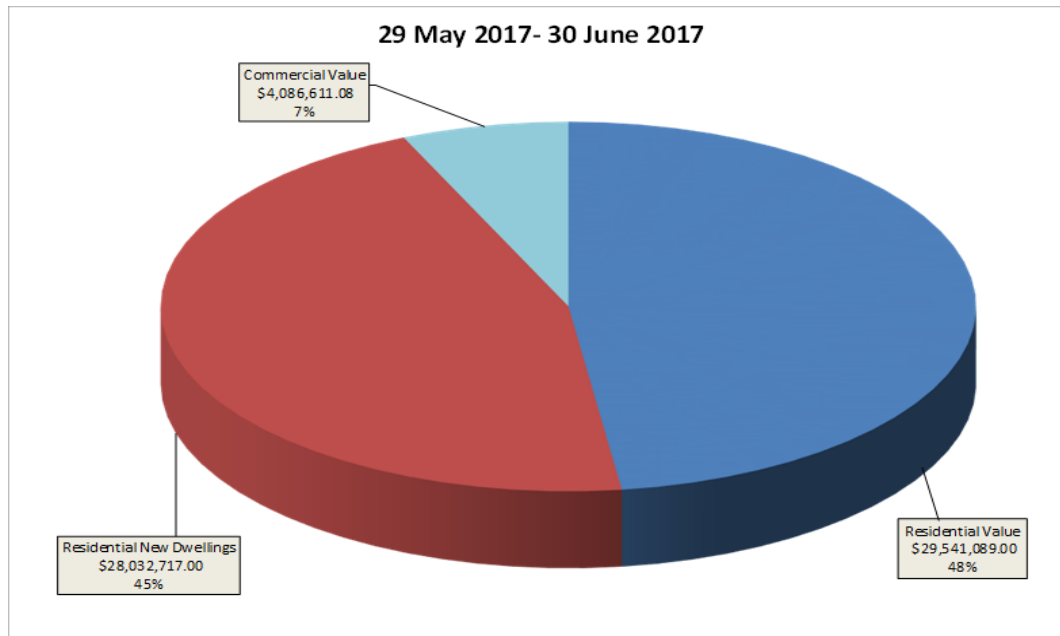
Inspection numbers continue to hold at a higher level and this is expected to continue and align with the increase in building consent applications received. Another vehicle has been put on the road to meet the increase in demand for



inspections.

## Residential and Commercial trends

The residential sector continues to show strength with new dwellings being 45% of



all the overall building work. The commercial sector has seen some minor growth change.

## New Dwelling Trends and Wards

New dwellings have continued to increase in volume and in dollar value. The district is showing a consistency in the wards for growth, with Bream Bay being the largest area then Denby / Okara with the remainder being coastal and rural areas.

## Health and Bylaws

### Procurement of Commissioner for District Licensing Committee

Under the Sale and Supply of Alcohol Act 2012, the chairperson of the District Licensing Committee can either be a Councillor or a Commissioner. Council had in August appointed a former Councillor, John Williamson, as a Commissioner for a transitional period while a public procurement process is undertaken to fill the role.

A registration of interest for a Commissioner to serve as the committee chairperson was publically notified on the 22 June and applications will close on the 10 July.

The matter will be reported to Council on the 27 July and in accordance with prescribed process, from this. Council will make a recommendation to the Chief Executive who will then appoint a person to the position.

## **Controlled Purchase operation**

Controlled purchase operations are an on going programme conducted by the Police and the Northland District Health Board to assess compliance with the Sale and Supply of Alcohol Act 2012 in an effort to address access to alcohol by minors. The operation saw underage volunteers, aged 16-17 years, attempting to purchase alcohol from licensed premises in the Bay of Islands and Whangarei areas. The operation resulted in four sales from the 23 outlets tested in Whangarei and four sales from 11 outlets tested in the Bay of Islands. Applications have been made to the Alcohol Regulatory and Licensing Authority by the Police in each case for suspension of manager's certificates and the off licences. The Authority has previously set suspension penalties for first time offenders (as was the situation in this case) of 28 days for managers and 2 days for premises.

## **Dog registration**

Dog registration is currently underway and dog owners have until the end of July to register at the discounted rate of \$63. As in past years a dedicated registration desk, run by contracted staff will operate during July to assist dog owners through the process. Just under 11000 dogs were registered last year with 45% of dog owners choosing to use councils on line registration process. It is envisaged that an increasing number of people will use online registration this year.

## **Prosecution under the Dog Control Act**

In April 2016, charges were laid under the Dog Control Act 1996 against the owner of a dog which attacked a postie. The owner was convicted, fined \$500 plus costs of \$250 to the victim and in accordance with a destruction order from the Judge, the dog was destroyed. The owner then appealed the destruction of the dog to the High Court. The matter was called in a callover list to the High Court in Whangarei in February 2017. The owner spoke at length about being aware that the dog had been destroyed, but he felt that the order should never had been made. Justice Moore pressed the owner about what he hoped to achieve from the appeal but this question was not answered and a full hearing was set down for the 6 June 2017. The owner did not appear at the hearing and the appeal was struck out.

There is currently one other dog attack prosecution before the court.



### RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and <b>it is</b> in the public interest that such information should continue to be supplied.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

### Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

#### Move/Second

permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of \_\_\_\_\_

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because \_\_\_\_\_

*Note:*

*Every resolution to exclude the public shall be put at a time when the meeting is open to the public.*